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No. 41] NEW DELHI, OCTOBER 8—OCTOBER 14, 2017, SATURDAY/ASVINA 16—ASVINA 22, 1939

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत एवं पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 3 अक्टूबर, 2017

का.आ. 2371.—दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार, केरल सरकार के गृह (एम) विभाग की दिनांक 19 जुलाई, 2016 की अधिसूचना संख्या जीओ (एमएस) सं. 202/2016/गृह, तिरुवनंतपुरम, एसआरओ सं. 488/2016 द्वारा दी गई सहमति से एक अन्तरराष्ट्रीय गिरोह द्वारा लोगों को लॉटरी की बड़ी धनराशि का वादा करके उनसे धोखाधड़ी करने और इससे संबंधित मामलों में अपराधों के अन्वेषण के संबंध में दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों एवं क्षेत्राधिकार का विस्तार संपूर्ण केरल राज्य पर करती है।

[फा. सं. 228/38/2016-एवीडी-II]

एस. पी. आर. त्रिपाठी, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 3rd October, 2017

S.O. 2371.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the

State Government of Kerala vide Home (M) Department, Notification No. G.O. (Ms.) No. 202/2016/Home, Thiruvananthapuram dated 19th July, 2016 S. R. O. No. 488/2016 extends the powers and jurisdiction of the members of the Delhi Special Police Establishment in the whole of the State of Kerala for the investigation of offences in suspected cheating of people by an international gang by promising them huge lottery amounts and the matters related thereto.

[F. No. 228/38/2016-AVD-II]

S. P. R. TRIPATHI, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

(हिंदी अनुभाग-2)

नई दिल्ली, 4 अक्टूबर, 2017

का.आ. 2372.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में राजस्व विभाग के अधीन माल एवं सेवा कर आयुक्तालय, फरीदाबाद को, जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्य साधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[फा. सं. ई-11017/3/2017-हिन्दी-2 डीओआर डीओआर]

डॉ. सतीश चन्द्र, संयुक्त निदेशक (राजभाषा)

MINISTRY OF FINANCE

(Department of Revenue)

(HINDI SECTION-2)

New Delhi, the 4th October, 2017

S.O. 2372.—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government, hereby notifies, the Goods and Service Tax Commissionerate Faridabad under the Department of Revenue, where more than 80% staff have acquired the working knowledge of Hindi.

[F. No. E-11017/3/2017-Hindi-II DOR DOR]

Dr. SATISH CHANDRA, Jt. Director (OL)

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 9 अक्टूबर, 2017

का.आ. 2373.—भारतीय जीवन बीमा निगम श्रेणी 3 और श्रेणी 4 कर्मचारी (सेवा के निबंधन और शर्तों का संशोधन) नियमावली, 1985 के नियम 13 के उप नियम (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, यह निर्धारित करती है कि श्रेणी 3 और श्रेणी 4 के प्रत्येक कर्मचारी को निम्नलिखित अवधि के लिए बोनस के बदले में भुगतान, उक्त उप नियम में अन्य उपबंधों के अध्वधीन, उनके वेतन के 15 प्रतिशत की दर पर किया जाएगा :-

- (i) 01 अप्रैल, 2014 को आरम्भ होने वाली और 31 मार्च, 2015 को समाप्त होने वाली अवधि के लिए ; और
- (ii) 01 अप्रैल, 2015 को आरम्भ होने वाली और 31 मार्च, 2016 को समाप्त होने वाली अवधि के लिए ।

[फा. सं. एस-11012/07/2013-बीमा-I]

भूमिका वर्मा, संयुक्त निदेशक

(Department of Financial Services)

New Delhi, the 9th October, 2017

S.O. 2373.—In exercise of the powers conferred by sub-rule (2) of rule 13 of the Life Insurance Corporation of India Class III and Class IV Employees (Revision of Terms and Conditions of Service) Rules, 1985, the Central Government hereby determine that, subject to the other provisions of the said sub-rule, the payment in lieu of bonus for the following periods to every Class III and Class IV employee shall be at the rate of 15 percent of his/her salary :-

- i) From 1st day of April, 2014 and ending with 31st day of March, 2015; and
- ii) From 1st day of April, 2015 and ending with 31st day of March, 2016.

[F.No. S-11012/07/2013-Ins.I]

BHUMIKA VERMA, Jt. Director

विदेश मंत्रालय

(सी.पी.वी. प्रभाग)

नई दिल्ली, 29 सितम्बर, 2017

का.आ. 2374.—राजनयिक और कौंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 (1948 का 41) की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश ।

एतद्वारा, केंद्र सरकार भारत के प्रधान कौंसलावास, म्यूनिख में श्री किशोर कुमार साहू, सहायक अनुभाग अधिकारी को दिनांक 29 सितम्बर, 2017 से सहायक कौंसुलर अधिकारी के तौर पर कौंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है ।

[सं. टी-4330/01/2014]

प्रकाश चन्द, निदेशक (कौंसुलर)

MINISTRY OF EXTERNAL AFFAIRS

(CPV DIVISION)

New Delhi, the 29th September, 2017

S.O. 2374.—Statutory Order in pursuance of clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby appoints Shri Kishore Kumar Sahoo, Assistant Section Officer as Assistant Consular Officer in Consulate General of India, Munich to perform the Consular services with effect from 29th September, 2017.

[No. T-4330/01/2014]

PRAKASH CHAND, Director (Consular)

आवासन और शहरी कार्य मंत्रालय

नई दिल्ली, 10 अक्टूबर, 2017

का.आ. 2375.—केन्द्रीय सरकार एतद्वारा आवासन और शहरी कार्य मंत्रालय के प्रशासनिक नियंत्रणाधीन दिल्ली विकास प्राधिकरण का निम्नलिखित कार्यालय, जिसके 80% से अधिक अधिकारियों और कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है,

को राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 (यथा संशोधित 1987) के नियम 10 के उपनियम (4) के अंतर्गत अधिसूचित करती है :

मुख्य अभियंता (परियोजना),
दिल्ली विकास प्राधिकरण,
शाहपुर जट, नई दिल्ली-110049

[फा. सं. ई-11017/5/2013-हिन्दी]

सुधीर कुमार तिवारी, आर्थिक सलाहकार

MINISTRY OF HOUSING AND URBAN AFFAIRS

New Delhi, the 10th October, 2017

S.O. 2375.—In pursuance of Sub-rule (4) of of Rule 10 of Official Language (Use for official purpose of the Union) Rules, 1976, the Central Government hereby notify the following office of the Delhi Development Authority, Ministry of Housing and Urban Affair, where more than 80% of officers/employees have attained working knowledge of Hindi :-

Chief Engineer (Project)
Delhi Development Authority
Shahpur Jat, New Delhi-110049

[F.No. E-11017/5/2013-Hindi]

SUDHIR KUMAR TEWARI, Economic Advisor

कौशल विकास एवं उद्यमशीलता मंत्रालय

(प्रशिक्षण महानिदेशालय)

नई दिल्ली, 5 अक्टूबर, 2017

का.आ. 2376.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग नियम 1976 यथा संशोधित 1987 के नियम 10 के उप नियम (2) एवं (4) के अनुसरण में एतद्वारा प्रशिक्षण महानिदेशालय (कौशल विकास एवं उद्यमशीलता मंत्रालय) को जिसके 80% से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है ।

[सं. डीजीटी-ई-11012/1/2017-हिंदी]

सोनू भाटिया, अवर सचिव

MINISTRY OF SKILL DEVELOPMENT AND ENTREPRENEURSHIP

(DIRECTORATE GENERAL OF TRAINING)

New Delhi, the 5th October, 2017

S.O. 2376.—In pursuance of sub- rule (2) and (4) rule 10 of the Official Languages (Use of official Purposes of the Union) Rules 1976 (As Amended 1987), the Central Government hereby notifies the Directorate General of Training (Ministry of Skill Development and Entrepreneurship), more than 80% staff whereof have acquired the working knowledge of Hindi.

[No. DGT- E-11012/1/2017-Hindi]

SONU BHATIA, Under Secy.

कोयला मंत्रालय

नई दिल्ली, 12 अक्टूबर, 2017

का.आ. 2377.—जबकि कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उप-धारा (1) के अधीन जारी भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (ii), तारीख 4 जुलाई, 2017 में प्रकाशित, भारत सरकार के कोयला मंत्रालय की अधिसूचना का. आ. संख्यांक 2098(अ), तारीख 3 जुलाई, 2017 के प्रकाशन पर उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि और ऐसी भूमि (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है), में और उस पर के सभी अधिकार, उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन, सभी विल्लंगमों से मुक्त होकर, आत्यंतिक रूप से केन्द्रीय सरकार में निहित हो गए हैं;

और, जबकि केन्द्रीय सरकार का यह समाधान हो गया है, कि सेंट्रल कोलफील्ड्स लिमिटेड, रांची, झारखंड (जिसे इसमें इसके पश्चात् सरकारी कंपनी कहा गया है), ऐसे निबंधनों और शर्तों का, जो केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे, अनुपालन करने के लिए रजामंद है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है, कि उक्त भूमि और इस प्रकार निहित उक्त भूमि में और उस पर के सभी अधिकार तारीख 4 जुलाई, 2017 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने के बजाए, निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, सरकारी कंपनी में निहित हो जाएंगे, अर्थात् :-

- (1) सरकारी कंपनी, उक्त अधिनियम के उपबंधों के अधीन यथा अवधारित प्रतिकर, व्याज, नुकसानियों और वैसी ही मदों की बाबत किए गए संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी ;
- (2) शर्त (1) के अधीन सरकारी कंपनी द्वारा केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजनों के लिए उक्त अधिनियम की धारा 14 के अधीन एक अधिकरण का गठन किया जाएगा और किसी ऐसे अधिकरण और अधिकरण की सहायता के लिए नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, सरकारी कंपनी द्वारा वहन किए जाएंगे और इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिए या उनके संबंध में अपीलों आदि जैसी सभी विधिक कार्यवाहियों के संबंध में उपगत, सभी व्यय भी, सरकारी कंपनी द्वारा वहन किए जाएंगे ;
- (3) सरकारी कंपनी, केन्द्रीय सरकार या उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में क्षतिपूर्ति करेगी, जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो ;
- (4) सरकारी कंपनी को केन्द्रीय सरकार के पूर्व अनुमोदन के बिना उक्त भूमियों और उक्त भूमि में या उस पर निहित अधिकारों को किन्हीं अन्य व्यक्तियों को अंतरित करने की शक्ति नहीं होगी ; और
- (5) सरकारी कंपनी, ऐसे निदेशों और शर्तों का पालन करेगी, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिए दिए जाएं या अधिरोपित किए जाएं ।

[फा.सं. 43015/12/2017 –एलए एण्ड आई आर]

आर. एस. सरोज, अवर सचिव

MINISTRY OF COAL

New Delhi, the 12th October, 2017

S.O. 2377.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal, number S.O. 2098 (E), dated the 3rd July, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), dated the 4th July, 2017, issued under sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the land and the all rights in and over the said land described in the Schedule appended to the said notification (hereinafter referred to as

the said land) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of section 10 of the said Act;

And whereas, the Central Government is satisfied that the Central Coalfields Limited, Ranchi, Jharkhand (hereinafter referred to as the Government company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the said land and the all rights in and over the said land so vested shall, with effect from 4th July, 2017, instead of continuing to so vest in the Central Government, vest in the Government company, subject to the following terms and conditions, namely:-

- (1) the Government company shall reimburse the Central Government all payments made in respect of compensation, interest, damages, and the like, as determined under the provisions of the said Act;
- (2) a Tribunal shall be constituted under section 14 of the said Act, for the purpose of determining the amounts payable to the Central Government by the said Government company under condition (1), and all expenditure incurred in connection with any such Tribunal and persons appointed to assist the said Tribunal shall be borne by the said Government company and similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc. for or in connection with the rights in or over the said land, so vested shall also be borne by the Government company;
- (3) the Government company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the rights in or over the said land so vested;
- (4) the Government company shall have no power to transfer the said lands and the rights in or over the said land so vested, to any other person without the prior approval of the Central Government; and
- (5) the Government company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said lands as and when necessary.

[F. No. 43015/12/2017-LA&IR]

R. S. SAROJ, Under Secy.

नई दिल्ली, 13 अक्टूबर, 2017

का.आ. 2378.—केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20), जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है, की धारा 19 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कोल इंडिया लिमिटेड या उसकी सहायक कंपनियों को उक्त अधिनियम के अधीन अर्जित भूमि के लिए भू-स्वामियों या भू-वंचितों को प्रतिकर के संदाय के लिए उक्त अधिनियम की धारा 17 के अधीन उसके द्वारा प्रयोग में लाई जा सकेगी या निर्वहन की गई सभी शक्तियों या कर्तव्यों का प्रत्यायोजन करती है।

[फा.सं. 60014/3/2017-एलए एण्ड आईआर]

राम शिरोमणि सरोज, अवर सचिव

New Delhi, the 13th October, 2017

S.O. 2378.—In exercise of the powers conferred by section 19 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), hereinafter referred to as the said Act, the Central Government hereby delegates all or any of the powers or duties which may be exercised or discharged by it under section 17 of the said Act for payment of compensation to land owners or oustees for land acquired under the said Act, to Coal India Limited or its subsidiaries.

[F. No. 60014/3/2017-LA & IR]

RAM SHIROMANI SAROJ, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 29 सितम्बर, 2017

का.आ. 2379.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 उप धारा (1) के अधीन जारी की गई, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 3675(अ) तारीख 2.12.2016 जिसका प्रकाशन भारत के राजपत्र संख्या 2887, भाग II, खण्ड 3, उपखण्ड (ii) दिनांक 7-12-2016 में किया गया है। इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट राजस्थान राज्य की तहसील जमवारामगढ़ जिला जयपुर की भूमि में, राजस्थान राज्य में जयपुर से हरियाणा राज्य में पानीपत तक पेट्रोलियम नेफ्था के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा क्रियान्वित किए जा रहे “जयपुर पानीपत नेफ्था पाइपलाइन परियोजना” के सम्बन्ध में पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के लिए अपने आशय की घोषणा की थी :

और उक्त राजपत्र अधिसूचनाओं की प्रतियां जनता को तारीख 08.04.2017 तक उपलब्ध करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित हैं, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है :

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार अर्जित किया जाए:

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाय सभी विल्लंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 की धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड पूर्णतया उत्तरदायी होगी और पाइपलाइन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

तहसील : जमवारामगढ़

जिला : जयपुर

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
नारदपुरा	310	00	12	42
	280	00	14	33
	279	00	16	00
	268	00	06	32
	267	00	11	11
	261	00	12	05
	260	00	04	49
	259	00	03	13
	256	00	13	52
	Total	00	93	37
नटाटा	719	00	08	16
	615/1074	00	00	94
	312	00	05	83

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
	311	00	23	57
	307	00	17	54
	267	00	01	52
	262	00	06	30
	257	00	02	86
	256	00	07	88
	215	00	07	86
	216	00	02	43
	217	00	02	41
	218	00	00	59
	219	00	03	29
	Total	00	91	18
अजबगढ़	114	00	04	92
	114/1	00	04	92
	43	00	08	41
	41	00	06	45
	40	00	09	86
	40/120	00	01	30
	22	00	10	39
	13/116	00	04	78
	20	00	05	35
	14	00	00	89
	13	00	27	16
	10	00	02	53
	10/122	00	02	85
	10/121	00	01	41
	8	00	06	02
	Total	00	97	24
टीकमपुरा	527	00	01	32
	391	00	03	06
	390	00	01	43
	389	00	03	53

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
	388/1	00	08	21
	405/1	00	02	80
	405 मि/1	00	05	50
	404	00	04	09
	427	00	09	15
	424/2	00	07	09
	424/5	00	05	00
	424/6	00	07	30
	424/7	00	05	00
	420	00	00	65
	421	00	00	13
	446	00	03	65
	445	00	08	36
	443	00	12	64
	464	00	11	21
	469	00	01	04
	463/1	00	00	82
	470	00	14	81
	493/2	00	08	46
	492/1	00	05	21
	487	00	08	24
	489/1	00	03	43
	489/4	00	03	43
	482	00	06	75
	483	00	02	41
	274/803	00	00	32
	273	00	13	69
	Total	01	68	73
सायपुरा	1	00	01	75
	3	00	03	23
	7	00	07	53
	15	00	00	82

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
	19	00	09	64
	20	00	03	45
	21/1	00	00	19
	26	00	22	47
	32	00	03	14
	33	00	09	47
	Total	00	61	69

[फा. सं. आर-25011/3/2016-ओआर-1 (पार्ट)]

पवन कुमार, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 29th September, 2017

S.O. 2379.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, published in the Gazette of India No. 2887 dated 7-12-2016 S.O. No. 3675(E) 2-12-2016 Part-II, section 3, sub-section(ii) issued under sub-section (1) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act) the Central Government declared its intention to acquire the right of user in the land situated in Tehsil Jamwaramgarh District Jaipur in Rajasthan State, specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum Naphtha from Jaipur in the State of Rajasthan to Panipat in the State of Haryana by the Indian Oil Corporation Limited for implementing the "Jaipur Panipat Naphtha Pipeline Project".

And whereas the copies of the said Gazette notification were made available to the public on 08.04.2017.

And whereas the Competent Authority has under sub-section(1) of section 6 of the said Act, has submitted his report of Central Government.

And whereas, the Central Government after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of the user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user of the said land for laying the pipeline shall, instead of vesting in the Central Government, vests on the date of publication of the declaration, in India Oil Corporation Limited, free from all encumbrances.

India Oil Corporation Limited shall be exclusively liable for any compensation in terms of section 10 of the P & MP Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government on any matter relating to pipeline.

SCHEDULE

Tehsil : Jamwaramgarh

District : Jaipur

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
Naradpura	310	00	12	42
	280	00	14	33

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	279	00	16	00
	268	00	06	32
	267	00	11	11
	261	00	12	05
	260	00	04	49
	259	00	03	13
	256	00	13	52
	Total	00	93	37
Natata	719	00	08	16
	615/1074	00	00	94
	312	00	05	83
	311	00	23	57
	307	00	17	54
	267	00	01	52
	262	00	06	30
	257	00	02	86
	256	00	07	88
	215	00	07	86
	216	00	02	43
	217	00	02	41
	218	00	00	59
	219	00	03	29
	Total	00	91	18
Ajabgarh	114	00	04	92
	114/1	00	04	92
	43	00	08	41
	41	00	06	45
	40	00	09	86
	40/120	00	01	30
	22	00	10	39
	13/116	00	04	78
	20	00	05	35
	14	00	00	89
	13	00	27	16
	10	00	02	53
	10/122	00	02	85
	10/121	00	01	41

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	8	00	06	02
	Total	00	97	24
Tikampura	527	00	01	32
	391	00	03	06
	390	00	01	43
	389	00	03	53
	388/1	00	08	21
	405/1	00	02	80
	405M/1	00	05	50
	404	00	04	09
	427	00	09	15
	424/2	00	07	09
	424/5	00	05	00
	424/6	00	07	30
	424/7	00	05	00
	420	00	00	65
	421	00	00	13
	446	00	03	65
	445	00	08	36
	443	00	12	64
	464	00	11	21
	469	00	01	04
	463/1	00	00	82
	470	00	14	81
	493/2	00	08	46
	492/1	00	05	21
	487	00	08	24
	489/1	00	03	43
	489/4	00	03	43
	482	00	06	75
	483	00	02	41
	274/803	00	00	32

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	273	00	13	69
	Total	01	68	73
Saipura	1	00	01	75
	3	00	03	23
	7	00	07	53
	15	00	00	82
	19	00	09	64
	20	00	03	45
	21/1	00	00	19
	26	00	22	47
	32	00	03	14
	33	00	09	47
	Total	00	61	69

[F. No. R-25011/3/2016-OR-I (Pt.)]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 29 सितम्बर, 2017

का.आ. 2380.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 उप धारा (1) के अधीन जारी की गई, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना जिसका प्रकाशन भारत के राजपत्र संख्या 2783 दिनांक 25.11.2016 का.आ संख्या 3555(अ), भाग II, खण्ड 3, उपखण्ड (ii) में किया गया है। इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट राजस्थान राज्य की तहसील जयपुर जिला जयपुर की भूमि में, राजस्थान राज्य में जयपुर से हरियाणा राज्य में पानीपत तक पेट्रोलियम नेफ्था के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा क्रियान्वित किए जा रहे “जयपुर पानीपत नेफ्था पाइपलाइन परियोजना” के सम्बन्ध में पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के लिए अपने आशय की घोषणा की थी।

और उक्त राजपत्र अधिसूचनाओं की प्रतियां जनता को तारीख 02.03.2017 तक उपलब्ध करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि में पाइपलाइन बिछाने के लिए अपेक्षित हैं, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है :

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद् द्वारा घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार अर्जित किया जाए:

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए सभी विल्लंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 की धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड पूर्णतया उत्तरदायी होगी और पाइपलाईन से सम्बन्धित किसी भी मामलों पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

तहसील : जयपुर

जिला : जयपुर

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
जयसिंहपुरा खोर	2223	00	07	44
	2226	00	04	95
	2227	00	00	87
	2228	00	00	43
	2241	00	00	61
	2243	00	01	61
	2244	00	01	02
	2245	00	00	87
	2246	00	02	45
	2247/2598	00	02	45
	2247	00	00	03
	2249	00	02	98
	2251/1	00	00	86
	2251/2	00	01	29
	2200	00	04	73
	2198/1	00	02	47
	2198/2	00	02	47
	2187	00	06	40
	2201	00	00	70
	2186	00	01	14
	2185	00	00	89
	2184	00	00	05
	2183	00	01	89
	2173	00	00	03
	2181	00	00	37
	2174	00	01	37
	2177	00	01	68
	2164	00	05	78

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	2162	00	05	72
	2157	00	09	90
	2134	00	04	40
	528	00	06	32
	2121	00	04	68
	2113	00	05	74
	2112/2582	00	02	75
	2112	00	02	46
	2086	00	00	42
	2091	00	10	85
	2092/2	00	02	50
	2072	00	00	48
	2093	00	03	68
	2071	00	02	50
	2070	00	09	01
	2064	00	01	40
	2065	00	00	34
	2049	00	09	40
	2048/2577	00	03	18
	2043	00	04	40
	1478	00	32	26
	1477	00	06	63
	1465/2413	00	05	12
	1465/2412	00	05	96
	1459/2392	00	03	58
	1459/2391	00	03	53
	1459/2390	00	01	60
	1462	00	11	85
	1511 } 1511/1 }	00	00	37
	1510	00	05	08
	1509	00	04	66

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	1506	00	06	14
	Total	02	34	74

[फा. सं. आर-25011/3/2016-ओआर-I (पार्ट)]

पवन कुमार, अवर सचिव

New Delhi, the 29th September, 2017

S.O. 2380.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, published in the Gazette No. 2783 dated 25.11.2016, S.O.No. 3555(E), Part-II, section 3, sub-section(ii) issued under sub-section (1) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act) the Central Government declared its intention to acquire the right of user in the land situated in Tehsil Jaipur, District Jaipur in Rajasthan State, specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum Naphtha from Jaipur in the State of Rajasthan to Panipat in the State of Haryana by the Indian Oil Corporation Limited for implementing the "Jaipur Panipat Naphtha Pipeline Project".

And whereas the copies of the said Gazette notification were made available to the public on 02.03.2017.

And whereas the Competent Authority has under sub-section(1) of section 6 of the said Act, has submitted his report of Central Government.

And whereas, the Central Government after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of the user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user of the said land for laying the pipeline shall, instead of vesting in the Central Government, vests on the date of publication of the declaration, in India Oil Corporation Limited, free from all encumbrances.

India Oil Corporation Limited shall be exclusively liable for any compensation in terms of section 10 of the P & MP Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government on any matter relating to pipeline.

SCHEDULE

Tehsil : Jaipur

District : Jaipur

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
Jaisinghpura Khor	2223	00	07	44
	2226	00	04	95
	2227	00	00	87
	2228	00	00	43
	2241	00	00	61
	2243	00	01	61
	2244	00	01	02
	2245	00	00	87
	2246	00	02	45

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	2247/2598	00	02	45
	2247	00	00	03
	2249	00	02	98
	2251/1	00	00	86
	2251/2	00	01	29
	2200	00	04	73
	2198/1	00	02	47
	2198/2	00	02	47
	2187	00	06	40
	2201	00	00	70
	2186	00	01	14
	2185	00	00	89
	2184	00	00	05
	2183	00	01	89
	2173	00	00	03
	2181	00	00	37
	2174	00	01	37
	2177	00	01	68
	2164	00	05	78
	2162	00	05	72
	2157	00	09	90
	2134	00	04	40
	528	00	06	32
	2121	00	04	68
	2113	00	05	74
	2112/2582	00	02	75
	2112	00	02	46
	2086	00	00	42
	2091	00	10	85
	2092/2	00	02	50
	2072	00	00	48
	2093	00	03	68
	2071	00	02	50
	2070	00	09	01
	2064	00	01	40
	2065	00	00	34
	2049	00	09	40

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	2048/2577	00	03	18
	2043	00	04	40
	1478	00	32	26
	1477	00	06	63
	1465/2413	00	05	12
	1465/2412	00	05	96
	1459/2392	00	03	58
	1459/2391	00	03	53
	1459/2390	00	01	60
	1462	00	11	85
	1511 } 1511/1 }	00	00	37
	1510	00	05	08
	1509	00	04	66
	1506	00	06	14
	Total	02	34	74

[F. No. R-25011/3/2016-OR-I (Pt.)]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 29 सितम्बर, 2017

का.आ. 2381.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 उप धारा (1) के अधीन जारी की गई, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना जिसका प्रकाशन भारत के राजपत्र संख्या 2783 दिनांक 25.11.2016 का.आ संख्या 3556(अ), भाग II, खण्ड 3, उपखण्ड (ii) में किया गया है। इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट राजस्थान राज्य की तहसील शाहपुरा, जिला जयपुर की भूमि में, राजस्थान राज्य में जयपुर से हरियाणा राज्य में पानीपत तक पेट्रोलियम नेपथा के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा क्रियान्वित किए जा रहे “जयपुर पानीपत नेपथा पाइपलाइन परियोजना” के सम्बन्ध में पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के लिए अपने आशय की घोषणा की थी :

और उक्त राजपत्र अधिसूचनाओं की प्रतियां जनता को तारीख 02.03.2017 तक उपलब्ध करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित हैं, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है :

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद् द्वारा घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार अर्जित किया जाए:

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाय सभी विल्लंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 की धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड पूर्णतया उत्तरदायी होगी और पाइपलाइन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

तहसील : शाहपुरा

जिला : जयपुर

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
शिवपुरी	8145	00	00	49
	8149	00	05	22
	8146	00	06	06
	8147	00	06	01
	8143	00	00	90
	8142	00	06	68
	8130	00	04	02
	8131	00	11	04
	8129	00	08	51
	8126	00	05	90
	7799	00	03	06
	7800	00	02	44
	7803	00	02	27
	7804	00	16	27
	7805	00	04	01
	7830	00	00	45
	7831	00	10	30
	7834	00	07	75
	7833	00	00	42
	7847/1	00	17	68
	7848	00	01	93
	7849	00	00	36
	7897	00	12	94
	7874	00	00	12
	7876	00	04	32
	7882	00	05	71
	7883	00	02	89
	7884	00	04	24
	7925	00	05	47
	7926	00	05	16

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	7927	00	02	44
	7930	00	03	32
	7931	00	05	68
	5463/1	00	04	00
	5471	00	02	54
	5488	00	06	21
	5485	00	13	15
	5469	00	00	10
	Total	02	00	06
मनोहरपुर	5417	00	10	48
	5419	00	00	93
	5398	00	02	96
	5393	00	03	70
	5310	00	05	78
	5311	00	01	57
	5312	00	08	36
	5312/8316	00	00	05
	5324	00	05	59
	5323	00	01	57
	5329	00	05	10
	5321	00	04	83
	5319	00	05	65
	5320	00	01	93
	5209	00	06	99
	5213	00	07	24
	5223	00	04	51
	5222	00	04	18
	5221	00	05	09
	5220	00	09	17
	5219	00	00	44
	5199	00	06	37
	5198	00	07	45

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	5196	00	05	94
	5195/8625	00	08	03
	5194	00	07	47
	3278	00	10	71
	3279/8220	00	00	10
	3279	00	05	04
	Total	01	47	23
कल्याणपुरा	3280	00	02	62
	3293	00	00	78
	3283	00	07	42
	3291	00	01	57
	3288	00	02	69
	3287	00	05	23
	3286	00	00	69
	3284	00	04	79
	3340	00	17	25
	3341	00	01	98
	3343	00	09	32
	3361	00	09	06
	3362	00	18	15
	3401	00	01	01
	3368	00	00	40
	3400	00	07	98
	3397/1	00	05	12
	3397/2	00	04	20
	3396	00	05	01
	3395	00	05	45
	3394	00	16	87
	Total	01	27	59
उदावाला	3570	00	08	72
	3569	00	08	77
	3567	00	18	01

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
	3553	00	05	19
	3554	00	10	11
	3560	00	04	76
	3555	00	02	04
	4354	00	05	80
	4355/1	00	00	24
	4357	00	08	95
	4364/1 } 4364/2 }	00	00	87
	4363	00	06	64
	4361	00	07	98
	4349	00	07	82
	4345	00	00	84
	Total	00	96	74
मिश्रवास	3634	00	07	14
	Total	00	07	14
बाडीगरों की ढाणी	4348	00	04	91
	4347	00	04	90
	4304	00	17	95
	4298	00	01	86
	4297	00	00	50
	Total	00	30	12
निठारा	1054	00	00	71
	1048	00	10	77
	1050	00	13	38
	1045	00	02	12
	724	00	03	68
	723	00	02	58
	725	00	02	42
	726	00	03	07
	727	00	04	14
	731	00	05	54

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	783	00	03	72
	784	00	05	25
	787	00	04	35
	788	00	04	35
	791	00	04	82
	792	00	01	70
	793	00	04	25
	796	00	06	31
	652	00	03	05
	681	00	00	06
	595	00	06	48
	591	00	03	20
	590	00	02	78
	589	00	04	46
	603	00	03	47
	604	00	03	05
	622	00	04	28
	621	00	03	66
	620	00	03	58
	610	00	00	32
	611	00	07	93
	612	00	00	57
	364	00	08	78
	417	00	07	01
	422	00	00	11
	420	00	11	88
	Total	01	57	83
लोचू का बास	4276	00	03	72
	4275	00	02	52
	4275/8454	00	00	27
	4274	00	03	57
	4270	00	03	32

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
	4268	00	01	81
	4267	00	01	61
	4266	00	01	63
	4262	00	02	79
	4263	00	02	26
	4231	00	04	57
	4219	00	06	81
	4221	00	00	25
	4210/8636	00	00	32
	4210	00	07	24
	4209	00	08	58
	Total	00	51	27
लेट का बास	655/1446	00	03	26
	655	00	14	79
	665	00	08	27
	666	00	08	44
	668	00	03	45
	669	00	03	33
	671	00	05	39
	534	00	06	00
	535	00	07	02
	536	00	04	79
	540	00	10	76
	448	00	07	88
	447	00	03	21
	436	00	01	13
	446	00	01	59
	440	00	03	85
	445	00	04	19
	441	00	00	63
	444	00	01	80
	443	00	04	82

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	400	00	04	50
	399	00	03	99
	398	00	03	94
	388	00	13	51
	Total	01	30	54
लाखनी	103	00	05	10
	106	00	03	56
	107	00	00	97
	111	00	01	25
	108	00	01	68
	110	00	00	06
	109	00	01	35
	112	00	00	05
	190	00	01	58
	189	00	04	38
	188	00	04	65
	177	00	04	28
	184	00	00	93
	178	00	02	63
	183	00	01	38
	181	00	00	97
	180	00	05	88
	Total	00	40	70
कांट	448	00	08	74
	470	00	04	53
	471	00	04	69
	475	00	07	72
	472	00	00	06
	473	00	01	47
	474	00	03	00
	379	00	03	99
	380	00	04	18

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
	372	00	04	34
	371	00	04	27
	288	00	04	96
	287	00	02	38
	286	00	02	56
	259	00	03	61
	257	00	01	62
	260	00	01	71
	256	00	04	09
	166	00	02	85
	168	00	01	35
	167	00	00	97
	168/2096	00	01	11
	167/2095	00	00	64
	169	00	02	33
	171	00	03	44
	173	00	06	02
	136	00	04	69
	133	00	02	30
	135	00	00	62
	102	00	01	88
	134	00	00	94
	91	00	00	99
	74	00	04	86
	73	00	02	55
	42	00	01	36
	45	00	01	59
	46	00	06	44
	47	00	00	41
	35	00	05	91
	33	00	06	29
	34	00	01	46

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	11	00	00	05
	10	00	05	28
	10/1	00	03	04
	9	00	05	48
	1/1 } 1	00	13	13
	Total	01	55	90
शाहपुरा	5157	00	03	10
	5156	00	00	20
	5155	00	00	73
	5080/5637	00	02	41
	5080	00	04	98
	5079	00	00	57
	5078	00	04	49
	5084/5677	00	00	05
	5077	00	02	30
	5084/5676	00	03	04
	5076/5674	00	01	26
	5076/5673	00	00	03
	5089	00	02	85
	5073	00	03	48
	5074	00	07	22
	Total	00	36	71
जाजे खुर्द उर्फ विशनपुरा	1504	00	06	69
	1503	00	00	97
	1502	00	08	34
	1490	00	01	57
	1491	00	02	51
	1492	00	02	84
	1493	00	03	40
	1494	00	05	93
	1495	00	02	77
	1219	00	09	50
	1217	00	17	95
	1229	00	02	73
	1230	00	02	11
	1231	00	02	34
	1232	00	02	66
	1233	00	02	75

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
	1200	00	01	94
	1198	00	02	57
	1195	00	02	30
	1180	00	02	57
	1178	00	06	43
	1172	00	07	35
	1159	00	10	11
	1156	00	08	09
	1155	00	02	10
	1154	00	03	76
	1038	00	06	44
	1037	00	05	47
	1034	00	05	46
	1033	00	02	25
	1030	00	02	52
	1029	00	01	57
	1028	00	02	78
	1025	00	02	41
	1024	00	05	28
	1009	00	05	26
	1008	00	08	38
	983	00	00	61
	Total	01	70	71
देवन	500	00	04	90
	501	00	05	12
	515	00	00	95
	514/2897	00	02	53
	514	00	03	51
	503	00	00	60
	513	00	00	05
	504	00	02	74
	505	00	04	43
	505/2898	00	00	43
	506	00	02	21
	494	00	09	20
	492	00	00	75
	491	00	04	27
	490	00	03	53
	Total	00	45	22

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
माधो का वास	242	00	03	04
	223	00	03	99
	238	00	05	25
	237	00	04	36
	239	00	00	70
	236	00	11	44
	232	00	02	58
	231	00	08	05
	153/1	00	05	50
	153/2	00	05	49
	121	00	03	84
	122	00	00	05
	123	00	08	33
	112	00	00	93
	111	00	04	28
	109/3	00	01	22
	75/1	00	13	57
	Total	00	82	62

[फा. सं. आर-25011/3/2016-ओआर-I (पार्ट)]

पवन कुमार, अवसर सचिव

New Delhi, the 29th September, 2017

S.O. 2381.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, published in the Gazette No. 2783 dated 25.11.2016, S.O.No. 3556(E), Part-II, section 3, sub-section(ii) issued under sub-section (1) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act) the Central Government declared its intention to acquire the right of user in the land situated in Tehsil Shahpura, District Jaipur in Rajasthan State, specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum Naphtha from Jaipur in the State of Rajasthan to Panipat in the State of Haryana by the Indian Oil Corporation Limited for implementing the "Jaipur Panipat Naphtha Pipeline Project".

And whereas the copies of the said Gazette notification were made available to the public on 02.03.2017.

And whereas the Competent Authority has under sub-section(1) of section 6 of the said Act, has submitted his report of Central Government.

And whereas, the Central Government after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of the user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user of the said land for laying the pipeline shall, instead of vesting in the Central Government, vests on the date of publication of the declaration, in India Oil Corporation Limited, free from all encumbrances.

India Oil Corporation Limited shall be exclusively liable for any compensation in terms of section 10 of the P & MP Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government on any matter relating to pipeline.

SCHEDULE

Tehsil : Shahpura

District : Jaipur

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
Shivpuri	8145	00	00	49
	8149	00	05	22
	8146	00	06	06
	8147	00	06	01
	8143	00	00	90
	8142	00	06	68
	8130	00	04	02
	8131	00	11	04
	8129	00	08	51
	8126	00	05	90
	7799	00	03	06
	7800	00	02	44
	7803	00	02	27
	7804	00	16	27
	7805	00	04	01
	7830	00	00	45
	7831	00	10	30
	7834	00	07	75
	7833	00	00	42
	7847/1	00	17	68
	7848	00	01	93
	7849	00	00	36
	7897	00	12	94
	7874	00	00	12
	7876	00	04	32
	7882	00	05	71
	7883	00	02	89
	7884	00	04	24
	7925	00	05	47
	7926	00	05	16
	7927	00	02	44
	7930	00	03	32
	7931	00	05	68

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	5463/1	00	04	00
	5471	00	02	54
	5488	00	06	21
	5485	00	13	15
	5469	00	00	10
	Total	02	00	06
Manoharpur	5417	00	10	48
	5419	00	00	93
	5398	00	02	96
	5393	00	03	70
	5310	00	05	78
	5311	00	01	57
	5312	00	08	36
	5312/8316	00	00	05
	5324	00	05	59
	5323	00	01	57
	5329	00	05	10
	5321	00	04	83
	5319	00	05	65
	5320	00	01	93
	5209	00	06	99
	5213	00	07	24
	5223	00	04	51
	5222	00	04	18
	5221	00	05	09
	5220	00	09	17
	5219	00	00	44
	5199	00	06	37
	5198	00	07	45
	5196	00	05	94
	5195/8625	00	08	03
	5194	00	07	47
	3278	00	10	71
	3279/8220	00	00	10
	3279	00	05	04
	Total	01	47	23
Kalyanpura	3280	00	02	62

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	3293	00	00	78
	3283	00	07	42
	3291	00	01	57
	3288	00	02	69
	3287	00	05	23
	3286	00	00	69
	3284	00	04	79
	3340	00	17	25
	3341	00	01	98
	3343	00	09	32
	3361	00	09	06
	3362	00	18	15
	3401	00	01	01
	3368	00	00	40
	3400	00	07	98
	3397/1	00	05	12
	3397/2	00	04	20
	3396	00	05	01
	3395	00	05	45
	3394	00	16	87
	Total	01	27	59
Udawala	3570	00	08	72
	3569	00	08	77
	3567	00	18	01
	3553	00	05	19
	3554	00	10	11
	3560	00	04	76
	3555	00	02	04
	4354	00	05	80
	4355/1	00	00	24
	4357	00	08	95
	4364/1 } 4364/2 }	00	00	87
	4363	00	06	64
	4361	00	07	98
	4349	00	07	82
	4345	00	00	84
	Total	00	96	74

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
Mishrwas	3634	00	07	14
	Total	00	07	14
Badigaro Ki Dani	4348	00	04	91
	4347	00	04	90
	4304	00	17	95
	4298	00	01	86
	4297	00	00	50
	Total	00	30	12
Nithara	1054	00	00	71
	1048	00	10	77
	1050	00	13	38
	1045	00	02	12
	724	00	03	68
	723	00	02	58
	725	00	02	42
	726	00	03	07
	727	00	04	14
	731	00	05	54
	783	00	03	72
	784	00	05	25
	787	00	04	35
	788	00	04	35
	791	00	04	82
	792	00	01	70
	793	00	04	25
	796	00	06	31
	652	00	03	05
	681	00	00	06
	595	00	06	48
	591	00	03	20
	590	00	02	78
	589	00	04	46
	603	00	03	47
	604	00	03	05
	622	00	04	28
	621	00	03	66
	620	00	03	58

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	610	00	00	32
	611	00	07	93
	612	00	00	57
	364	00	08	78
	417	00	07	01
	422	00	00	11
	420	00	11	88
	Total	01	57	83
Lochu Ka Bas	4276	00	03	72
	4275	00	02	52
	4275/8454	00	00	27
	4274	00	03	57
	4270	00	03	32
	4268	00	01	81
	4267	00	01	61
	4266	00	01	63
	4262	00	02	79
	4263	00	02	26
	4231	00	04	57
	4219	00	06	81
	4221	00	00	25
	4210/8636	00	00	32
	4210	00	07	24
	4209	00	08	58
	Total	00	51	27
Let Ka Bas	655/1446	00	03	26
	655	00	14	79
	665	00	08	27
	666	00	08	44
	668	00	03	45
	669	00	03	33
	671	00	05	39
	534	00	06	00
	535	00	07	02
	536	00	04	79
	540	00	10	76
	448	00	07	88
	447	00	03	21

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	436	00	01	13
	446	00	01	59
	440	00	03	85
	445	00	04	19
	441	00	00	63
	444	00	01	80
	443	00	04	82
	400	00	04	50
	399	00	03	99
	398	00	03	94
	388	00	13	51
	Total	01	30	54
Lakhni	103	00	05	10
	106	00	03	56
	107	00	00	97
	111	00	01	25
	108	00	01	68
	110	00	00	06
	109	00	01	35
	112	00	00	05
	190	00	01	58
	189	00	04	38
	188	00	04	65
	177	00	04	28
	184	00	00	93
	178	00	02	63
	183	00	01	38
	181	00	00	97
	180	00	05	88
	Total	00	40	70
Kant	448	00	08	74
	470	00	04	53
	471	00	04	69
	475	00	07	72
	472	00	00	06
	473	00	01	47
	474	00	03	00

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	379	00	03	99
	380	00	04	18
	372	00	04	34
	371	00	04	27
	288	00	04	96
	287	00	02	38
	286	00	02	56
	259	00	03	61
	257	00	01	62
	260	00	01	71
	256	00	04	09
	166	00	02	85
	168	00	01	35
	167	00	00	97
	168/2096	00	01	11
	167/2095	00	00	64
	169	00	02	33
	171	00	03	44
	173	00	06	02
	136	00	04	69
	133	00	02	30
	135	00	00	62
	102	00	01	88
	134	00	00	94
	91	00	00	99
	74	00	04	86
	73	00	02	55
	42	00	01	36
	45	00	01	59
	46	00	06	44
	47	00	00	41
	35	00	05	91
	33	00	06	29
	34	00	01	46
	11	00	00	05
	10	00	05	28
	10/1	00	03	04
	9	00	05	48

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	1/1 } 1 }	00	13	13
	Total	01	55	90
Shahpura	5157	00	03	10
	5156	00	00	20
	5155	00	00	73
	5080/5637	00	02	41
	5080	00	04	98
	5079	00	00	57
	5078	00	04	49
	5084/5677	00	00	05
	5077	00	02	30
	5084/5676	00	03	04
	5076/5674	00	01	26
	5076/5673	00	00	03
	5089	00	02	85
	5073	00	03	48
	5074	00	07	22
	Total	00	36	71
Jaje Khurd urf Bishanpur	1504	00	06	69
	1503	00	00	97
	1502	00	08	34
	1490	00	01	57
	1491	00	02	51
	1492	00	02	84
	1493	00	03	40
	1494	00	05	93
	1495	00	02	77
	1219	00	09	50
	1217	00	17	95
	1229	00	02	73
	1230	00	02	11
	1231	00	02	34
	1232	00	02	66
	1233	00	02	75
	1200	00	01	94
	1198	00	02	57
	1195	00	02	30

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	1180	00	02	57
	1178	00	06	43
	1172	00	07	35
	1159	00	10	11
	1156	00	08	09
	1155	00	02	10
	1154	00	03	76
	1038	00	06	44
	1037	00	05	47
	1034	00	05	46
	1033	00	02	25
	1030	00	02	52
	1029	00	01	57
	1028	00	02	78
	1025	00	02	41
	1024	00	05	28
	1009	00	05	26
	1008	00	08	38
	983	00	00	61
	Total	01	70	71
Devan	500	00	04	90
	501	00	05	12
	515	00	00	95
	514/2897	00	02	53
	514	00	03	51
	503	00	00	60
	513	00	00	05
	504	00	02	74
	505	00	04	43
	505/2898	00	00	43
	506	00	02	21
	494	00	09	20
	492	00	00	75
	491	00	04	27
	490	00	03	53
	Total	00	45	22
Madho Ka Bass	242	00	03	04

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	223	00	03	99
	238	00	05	25
	237	00	04	36
	239	00	00	70
	236	00	11	44
	232	00	02	58
	231	00	08	05
	153/1	00	05	50
	153/2	00	05	49
	121	00	03	84
	122	00	00	05
	123	00	08	33
	112	00	00	93
	111	00	04	28
	109/3	00	01	22
	75/1	00	13	57
	Total	00	82	62

[F. No. R-25011/3/2016-OR-I (Pt.)]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 29 सितम्बर, 2017

का.आ. 2382.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) भारत के राजपत्र, (असाधारण) के अधीन जारी की गयी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ 405(अ), तारीख 08 फरवरी 2017, द्वारा तमिलनाडु राज्य में एन्नोर पोर्ट से सी.पी.सी.एल, मनली एवं विभिन्न औद्योगिक ग्राहकों तक आर-एल.एन.जी और पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड के द्वारा कॉमन कॉरिडोर पाइपलाइन बिछाई जानी चाहिए;

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 17.02.2017 को उपलब्ध करा दी गई थीं।

और उक्त अधिनियम की धारा 6 की उप - धारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना के संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है।

यह और कि केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा(4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि के उपयोग का अधिकार इस अधिसूचना के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 की धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड पूर्णतया उत्तरदायी होगी और पाइपलाइन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

तालुका : पोन्नोरी	जिला : तिरुवल्लूर		राज्य : तमिलनाडु		
गाँव का नाम	सर्वेक्षण सं.	उप खण्ड सं.	क्षेत्रफल		
			हेक्टेर	एयर	वर्ग मीटर
1	2	3	4	5	6
144. वल्लूर	1307	1ए	00	10	40
	1307	1बी	00	03	65
	1309	2	00	13	00
	1311	1	00	01	00
	1311	2	00	03	65
	1311	3	00	05	90
	1317	1	00	00	65
	1317	2	00	25	90
	1301	1	00	04	35

[फा. सं. आर-25011/02/2016-ओआर-I (पार्ट)]

पवन कुमार, अवर सचिव

New Delhi, the 29th September, 2017

S.O. 2382.—Whereas, by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 405(E) dated: 08.02.2017 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (herein after referred to as the said Act) the Central Government declared its intention to acquire the Right of User in the Lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of R-LNG and Petroleum products from Ennore Port to CPCL, Manali and various anchor customers in Common Corridor in the State of Tamil Nadu, a pipeline should be laid by the Indian Oil Corporation Limited, for implementing the Common Corridor Pipeline Project.

And whereas, copies of the said notifications were made available to the public from 17.02.2017;

And whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the Right of User in the Land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the Right of User in the said Land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the Right of User in the said Land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

Indian Oil Corporation Limited shall be exclusively liable for any compensation in terms of section 10 of the P & M P Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government on any matter relating to pipeline.

SCHEDULE

Taluk : Ponneri	District : Tiruvallur		State : Tamil Nadu		
Name of the Village	Survey No.	Sub-Division No.	Area		
			Hectare	Are	Square Meter
1	2	3	4	5	6
144. Vallur	1307	1A	00	10	40
	1307	1B	00	03	65
	1309	2	00	13	00
	1311	1	00	01	00
	1311	2	00	03	65
	1311	3	00	05	90
	1317	1	00	00	65
	1317	2	00	25	90
	1301	1	00	04	35

[F. No. R-25011/02/2016-OR-I (Pt.)]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 29 सितम्बर, 2017

का.आ. 2383.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) भारत के राजपत्र, (असाधारण) के अधीन जारी की गयी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का.आ. 3368(अ), तारीख 31 अक्टूबर 2016, द्वारा तमिलनाडु राज्य में एन्नोर पोर्ट से सी.पी.सी.एल, मनली एवं विभिन्न औद्योगिक ग्राहकों तक आर-एल.एन.जी और पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड के द्वारा कॉमन कॉरिडोर पाइपलाइन विस्थापित जानी चाहिए;

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 03.11.2016 को उपलब्ध करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उप-धारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना के संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है।

यह और कि केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा(4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि के उपयोग का अधिकार इस अधिसूचना के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 की धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड पूर्णतया उत्तरदायी होगी और पाइपलाइन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

तालुका : पोन्नोरी	जिला : तिरुवल्लूर		राज्य : तमिलनाडु		
गाँव का नाम	सर्वेक्षण सं.	उप-खण्ड सं.	क्षेत्रफल		
			हेक्टेर	एयर	वर्ग मीटर
1	2	3	4	5	6
144. वल्लूर	1542	-	0	04	80
	1541	-	0	04	15
	1540	-	0	23	60
	1538	-	0	08	10
	1427	1ए	0	13	00
	1427	2	0	18	75
	1426	-	0	06	95
	1423	1ए1	0	10	00
	1423	1बी	0	02	60
	1423	2	0	16	10
	1423	1सी	0	02	25
	1434	10	0	08	65
	1434	6	0	09	10
	1434	5	0	04	55
	1434	3	0	03	85
	1434	2	0	03	40
	1435	-	0	12	10
	1436	5	0	10	45

1436	4	0	03	90
1436	3ए	0	04	10
1436	2	0	04	15
1436	1	0	10	15
1452	-	0	04	20
1389	1	0	08	45
1389	21	0	02	25
1389	20	0	01	10
1389	19	0	01	10
1389	18	0	01	10
1389	17	0	01	10
1395	-	0	15	30
1451	-	0	22	00
1450	2	0	07	95
1441	2	0	28	00
1441	5	0	01	85
1380	1	0	10	80
1380	2	0	03	05
1381	1	0	03	90
1382	1	0	11	70
1382	2	0	22	10
1383	-	0	06	50
1394	-	0	26	75
1396	2ए2	0	02	15
1396	2ए1	0	08	00
1396	3	0	00	65
1399	4बी	0	17	70
1399	3बी	0	02	80
1399	4सी	0	17	00
1399	8	0	09	15

	1405		0	23	05
	1393	1	0	00	40
	1393	6	0	00	40
	1392	1ए1	0	01	05
	1392	1बी2	0	01	10
	1392	1बी3	0	01	30
148. एडयांचावडी	186	3	0	10	25
	187	1	0	29	15
	187	3	0	00	90
	189	2	0	03	00
	189	1डी	0	02	15
	189	1सी	0	06	65
	189	1बी	0	00	40
	189	5	0	08	00
	189	6	0	01	25
	189	7	0	03	40
	189	8	0	06	70
	190	1	0	08	40
	190	2	0	08	80
	190	3	0	07	00
	193	7	0	03	60
	236	2	0	43	10
	236	1	0	13	00
	233	2	0	00	40
	233	3	0	07	40
	232	1ए	0	02	65
	232	1बी	0	02	45
	231	1	0	29	10
	231	2	0	00	40
	228	2	0	11	55

	228	1ए	0	00	40
	228	1बी	0	00	45
	228	4	0	10	10
	228	3	0	08	10
	228	5ए1	0	03	10
	228	5बी	0	04	65
	228	6ए	0	00	40
	228	6बी	0	07	10
	227	1	0	09	25
	227	3ए	0	12	40
	227	3सी	0	00	40
	224	1	0	01	80
	224	2ए	0	23	50
	224	2बी	0	07	80
	223	-	0	09	00
	238	3	0	00	40
	242	1	0	30	75
	242	2	0	16	80
44. सडयंकुप्पम	173	1ए1	0	01	10
	173	1ए2	0	06	50

[फा. सं. आर-25011/02/2016-ओआर-I (पार्ट)]

पवन कुमार, अवर सचिव

New Delhi, the 29th September, 2017

S.O. 2383.—Whereas, by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 3368(E) dated: 31.10.2016 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (herein after referred to as the said Act) the Central Government declared its intention to acquire the Right of User in the Lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of R-LNG and Petroleum products from Ennore Port to CPCL, Manali and various anchor customers in Common Corridor in the State of Tamil Nadu, a pipeline should be laid by the Indian Oil Corporation Limited, for implementing the Common Corridor Pipeline Project.

And whereas, copies of the said notifications were made available to the public from

And whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the Right of User in the Land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the Right of User in the said Land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the Right of User in the said Land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

Indian Oil Corporation Limited shall be exclusively liable for any compensation in terms of section 10 of the P & M P Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government on any matter relating to pipeline.

SCHEDULE

Taluk : Ponneri	District : Tiruvallur		State : Tamil Nadu		
Name of the Village	Survey No.	Sub-Division No.	Area		
			Hectare	Are	Square Meter
1	2	3	4	5	6
144. Vallur	1542	-	0	04	80
	1541	-	0	04	15
	1540	-	0	23	60
	1538	-	0	08	10
	1427	1A	0	13	00
	1427	2	0	18	75
	1426	-	0	06	95
	1423	1A1	0	10	00
	1423	1B	0	02	60
	1423	2	0	16	10
	1423	1C	0	02	25
	1434	10	0	08	65
	1434	6	0	09	10
	1434	5	0	04	55
	1434	3	0	03	85
	1434	2	0	03	40
	1435	-	0	12	10
	1436	5	0	10	45
	1436	4	0	03	90
	1436	3A	0	04	10
	1436	2	0	04	15
	1436	1	0	10	15
	1452	-	0	04	20
	1389	1	0	08	45
	1389	21	0	02	25
	1389	20	0	01	10
	1389	19	0	01	10

	1389	18	0	01	10
	1389	17	0	01	10
	1395	-	0	15	30
	1451	-	0	22	00
	1450	2	0	07	95
	1441	2	0	28	00
	1441	5	0	01	85
	1380	1	0	10	80
	1380	2	0	03	05
	1381	1	0	03	90
	1382	1	0	11	70
	1382	2	0	22	10
	1383	-	0	06	50
	1394	-	0	26	75
	1396	2A2	0	02	15
	1396	2A1	0	08	00
	1396	3	0	00	65
	1399	4B	0	17	70
	1399	3B	0	02	80
	1399	4C	0	17	00
	1399	8	0	09	15
	1405		0	23	05
	1393	1	0	00	40
	1393	6	0	00	40
	1392	1A1	0	01	05
	1392	1B2	0	01	10
	1392	1B3	0	01	30
148. Edayanchavadi	186	3	0	10	25
	187	1	0	29	15
	187	3	0	00	90
	189	2	0	03	00
	189	1D	0	02	15
	189	1C	0	06	65
	189	1B	0	00	40
	189	5	0	08	00
	189	6	0	01	25
	189	7	0	03	40
	189	8	0	06	70
	190	1	0	08	40
	190	2	0	08	80
	190	3	0	07	00
	193	7	0	03	60

	236	2	0	43	10
	236	1	0	13	00
	233	2	0	00	40
	233	3	0	07	40
	232	1A	0	02	65
	232	1B	0	02	45
	231	1	0	29	10
	231	2	0	00	40
	228	2	0	11	55
	228	1A	0	00	40
	228	1B	0	00	45
	228	4	0	10	10
	228	3	0	08	10
	228	5A1	0	03	10
	228	5B	0	04	65
	228	6A	0	00	40
	228	6B	0	07	10
	227	1	0	09	25
	227	3A	0	12	40
	227	3C	0	00	40
	224	1	0	01	80
	224	2A	0	23	50
	224	2B	0	07	80
	223	-	0	09	00
	238	3	0	00	40
	242	1	0	30	75
	242	2	0	16	80
44. Sadayankuppam	173	1A1	0	01	10
	173	1A2	0	06	50

[F. No. R-25011/02/2016-OR-I (Pt.)]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 29 सितम्बर, 2017

का.आ. 2384.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 1704(अ), तारीख 24 जून 2015, जो भारत के राजपत्र तारीख 25 जून 2015 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उत्तर प्रदेश राज्य में भारतीय रेलवे के डी.एफ.सी. के लिये बी.के.पी.एल. की मुगलसराय और कानपुर के बीच खंड शिफ्टिंग हेतु क्षेत्र-जे (प्रस्थापित पाइपलाइन चैनल 517.814 से 520.556 तक जिला - कौशाम्बी) में पेट्रोलियम परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 24 जुलाई 2015 तक उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगी।

पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 की धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड पूर्णतया उत्तरदायी होगी और पाइपलाइन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

तहसील: सिराथू	जिला : कौशाम्बी	राज्य : उत्तर प्रदेश		
गांव का नाम	खसरा नं.	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5
गोबिन्दपुर गोरियों	650 मि.	00	03	91
	293	00	03	06

[फा. सं. आर-25011/10/2017-ओआर-I/48385]

पवन कुमार, अवर सचिव

New Delhi, the 29th September, 2017

S.O. 2384.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 1704(E) dated the 24th June, 2015, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (herein after referred to as the said Act), published in the Gazette of India dated the 25th June 2015; the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for the "Shifting of Barauni-Kanpur pipeline between Mughalsarai and Kanpur for DFCCIL of Indian Railway in Part-J (from Existing P/L Ch 517.814 to 520.556 km. in District-Allahabad) by Indian Oil Corporation Limited for the transportation of petroleum products;

And whereas copies of the said Gazette Notification were made available to the public up to 24th July 2015;

And whereas the competent authority has under sub-section (1) of section 6 of the said Act submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of the declaration, in Indian Oil Corporation Limited, free from all encumbrances.

Indian Oil Corporation Limited shall be exclusively liable for any compensation in terms of Section 10 of the P & MP Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government on any matter relating to the pipeline.

SCHEDULE

TEHSIL: SIRATHU	DISTRICT : KAUSHAMBI	STATE : UTTAR PRADESH		
Name of Village	Khasra No.	Area		
		Hectare	Are	Sq. mt.
1	2	3	4	5
GOVINDPUR GORIYON	650 मि.	00	03	91
	293	00	03	06

[F. No. R-25011/10/2017-OR-I/48385]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 29 सितम्बर, 2017

का.आ. 2385.—केंद्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गयी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 1375(अ), तारीख 21 मई 2015, जो भारत के राजपत्र तारीख 22 मई 2015, में प्रकाशित की गयी थी द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उत्तर प्रदेश राज्य में भारतीय रेलवे के डी.एफ.सी. के लिये बी.के.पी.एल. के मुगलसराय और कानपुर के बीच खंड शिफ्टिंग हेतु क्षेत्र -डी (प्रस्थापित पाइपलाइन चैनेज 401.111 से 403.838 तक जिला – मिर्जापुर) में पेट्रोलियम परिवहन के लिये इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रायोजन के लिये उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 26 सितम्बर 2016 तक उपलब्ध करा दी गयी थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा(1) के अधीन केंद्रीय सरकार को रिपोर्ट दे दी है ;

और केंद्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात और यह समाधान हो जाने पर कि उक्त भूमि पाइप लाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब केंद्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइप लाइन बिछाने के लिये उपयोग के अधिकार का अर्जन किया जाये ;

और केंद्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए ,यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केंद्रीय सरकार में निहित होने के बजाय, सभी विल्लंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगी ।

पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 की धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिये इंडियन ऑयल कॉर्पोरेशन लिमिटेड पूर्णतया उत्तरदायी होगी और पाइपलाइन से सम्बंधित किसी भी मामले पर केंद्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी ।

अनुसूची

तहसील: सदर	जिला : मिर्जापुर	राज्य : उत्तर प्रदेश		
गांव का नाम	खसरा नं.	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5
यादवपुर	122	00	10	00

	181	00	01	19
	141	00	05	52
	144	00	00	17
	145	00	00	66
	199	00	01	24
	203	00	00	22
	158	00	01	48
बिहसड़ा खुर्द	47	00	01	95
	41	00	01	01
गोसीपुर	10	00	05	22

[फा. सं. आर-25011/06/2015-ओआर-I (पार्ट)]

पवन कुमार, अवर सचिव

New Delhi, the 29th September, 2017

S.O. 2385.—Whereas, by the notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O No. 1375(E), dated the 21st May, 2015, issued under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act) , published in the Gazette of India dated the 22nd May 2015, the Central Government declared its intention to acquire the right of user in the land specified in the schedule appended to that notification for the purpose of laying pipeline for the “ Shifting of Barauni –Kanpur pipeline between Mugalsarai and Kanpur for DFCCIL of Indian Railway in Part D (from Existing P/L Ch. 401.111 to 403.838 km. In District- Mirzapur)” by Indian Oil Corporation limited for the transportation of petroleum products ;

And whereas copies of said Gazette Notification were made available to the public up to 26th September 2016;

And whereas the Competent Authority has under sub-section (1) of section 6 of the said act submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now therefore in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the schedule appended to this notification is hereby acquired for laying the pipeline ;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of the declaration, in Indian Oil Corporation limited, free from all encumbrances.

Indian Oil Corporation limited shall be exclusively liable for any compensation in terms of section 10 of the P&MP Act, 1962 and no suit, claim or legal proceedings would lie against the Central Government on any matter relating to the pipeline.

SCHEDULE

TEHSIL: SADAR	DISTRICT: MIRZAPUR	STATE: UTTAR PRADESH		
Name of Village	Khasra No.	Area		
		Hectare	Are	Sq. Mt.
1	2	3	4	5
YADAVPUR	122	00	10	00

	181	00	01	19
	141	00	05	52
	144	00	00	17
	145	00	00	66
	199	00	01	24
	203	00	00	22
	158	00	01	48
BIHASARA KHURD	47	00	01	95
	41	00	01	01
GOSIPUR	10	00	05	22

[F. No. R-25011/06/2015-OR-I (Pt.)]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 29 सितम्बर, 2017

का.आ. 2386.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि पारादीप (ओडिशा) से रायपुर (छत्तीसगढ़) एवं राँची (झारखण्ड) तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड के द्वारा "पारादीप – सम्बलपुर – रायपुर – राँची पाइपलाइन" बिछाई जानी चाहिये;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में जो इससे उपाबद्ध अनुसूची में वर्णित है और जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री सन्तोष कुमार मिश्रा, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, पारादीप – सम्बलपुर – रायपुर – राँची पाइपलाइन परियोजना, होता कमप्लेक्स, ऐन्थापाली चौक, ऐन्थापाली, सम्बलपुर-768004 (ओडिशा) को लिखित रूप में आक्षेप भेज सकेगा ।

अनुसूची

तहसील:सुंदरगड		जिल्ला:सुंदरगड		राज्य:ओडिशा
गांव का नाम	प्लॉट नं.	क्षेत्रफल		
		हेक्टेयर	एयर	बर्ग मीटर
1	2	3	4	5
कुलटा	1209	00	10	71
	1198	00	12	37

[फा. सं. आर-25011/35/2017-ओआर-I/49225]

पवन कुमार, अवर सचिव

New Delhi, the 29th September, 2017

S.O. 2386.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Paradip (Odisha) to Raipur (Chhattisgarh) & Ranchi (Jharkhand), “Paradip - Sambalpur - Raipur - Ranchi Pipeline” should be laid by Indian Oil Corporation Limited;

And whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may, within twenty-one days from the date on which copies of the Gazette of India containing this notification are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Sri Santosh Kumar Mishra, Competent Authority, Indian Oil Corporation Limited, Paradip - Sambalpur - Raipur - Ranchi Pipeline Project, Hota Complex, Ainthapali Chawk, Ainthapali, Sambalpur, Odisha-768004.

SCHEDULE

Tehsil: SUNDARGARH		District: SUNDARGARH		State: ODISHA	
Name of the Village	Plot No	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
KULATA	1209	00	10	71	
	1198	00	12	37	

[F. No. R-25011/35/2017-OR-I/49225]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 3 अक्टूबर, 2017

का.आ. 2387.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप धारा (1) के अधीन जारी की गई, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 487 (अ) तारीख 08.02.2017 जिसका प्रकाशन भारत के राजपत्र संख्या 443, भाग II, खण्ड 3, उपखण्ड (ii) तारीख 16.02.2017 में किया गया है। इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट राजस्थान राज्य की तहसील आमेर जिला जयपुर की भूमि में, राजस्थान राज्य में जयपुर से हरियाणा राज्य में पानीपत तक पेट्रोलियम नेफ्था के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा क्रियान्वित किए जा रहे “जयपुर पानीपत नेफ्था पाइपलाइन परियोजना” के सम्बन्ध में पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के लिए अपने आशय की घोषणा की थी :

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 05 अप्रैल, 2017 तक उपलब्ध करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित हैं, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है :

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद् द्वारा घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार अर्जित किया जाए:

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाय सभी विल्लंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 की धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड पूर्णतया उत्तरदायी होगी और पाइपलाइन से सम्बन्धित किसी भी मामलें पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

तहसील : आमेर

जिला : जयपुर

राज्य : राजस्थान

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
आमेर	8701	00	04	55
	8703	00	01	74
	8719	00	03	29
	8706	00	00	03
	8718	00	02	04
	8717	00	01	59
	8707	00	02	25
	8708	00	01	82
	8716	00	01	87
	8711	00	04	22
	8712	00	01	14
	8730	00	05	54
	8732	00	07	46
	8733	00	00	33
	8750	00	00	18
	8749	00	06	70
	8755	00	03	44
	8746	00	02	30
	8756	00	01	78
	8689	00	02	48
	8688	00	02	77
	8687	00	02	79
	8769	00	04	30
	8774	00	01	91
	8772	00	02	60
	8773	00	03	18
	8778	00	01	64
	8681	00	01	59
	8780	00	06	24
	8663	00	04	42

	8664	00	02	09
	8662	00	02	09
	8661	00	01	77
	8642	00	02	05
	8642/9681	00	00	42
	8655	00	06	51
	8654	00	02	42
	7690	00	03	34
	7671	00	01	44
	7670	00	01	67
	7669	00	00	28
	7664	00	01	10
	7665	00	01	17
	7666	00	01	84
	7667	00	00	57
	7456	00	04	37
	7457	00	02	64
	7458	00	03	53
	7630	00	01	50
	7632	00	07	61
	7841/9260	00	29	27
	7841/9260/ 9318	00	04	54
	7841/9260/ 9319	00	00	94
	2961	00	03	03
	2962	00	04	56
	2964	00	02	04
	2716	00	07	95
	2719	00	02	43
	2727	00	11	17
	2728	00	02	02
	2725	00	01	09
	कुल	02	03	64
कूकस	1524	00	06	00
	1524/1	00	03	00
	1524/2	00	04	60
	2518/1524	00	06	00
	1106	00	00	36
	1108	00	02	76
	1107	00	05	48
	1092	00	02	91
	1091	00	05	13

	1090	00	02	36
	1089	00	02	70
	867	00	05	22
	663	00	03	41
	661	00	00	65
	662	00	04	28
	664	00	02	35
	656	00	02	52
	654	00	02	17
	649	00	04	19
	644	00	03	24
	643	00	00	56
	कुल	00	69	89
ढण्ड	258	00	00	54
	267/1403	00	02	06
	267	00	02	18
	266	00	04	10
	260	00	01	47
	262	00	07	25
	263	00	05	12
	264	00	05	01
	288	00	00	03
	291	00	00	24
	289	00	08	51
	285	00	02	71
	313	00	03	15
	314	00	04	63
	326	00	05	90
	327	00	06	11
	550	00	06	75
	552	00	04	85
	539	00	00	36
	553	00	00	59
	538	00	00	08
	554	00	03	97
	555	00	02	01
	535	00	04	95
	534	00	01	39
	519	00	00	35
	498	00	06	54
	495	00	00	65
	501	00	01	35
	502	00	01	90
	490	00	02	22

	489	00	00	94
	488	00	02	67
	402	00	00	58
	469	00	01	01
	403	00	01	33
	404	00	02	76
	457	00	02	10
	456	00	02	28
	414	00	01	89
	416	00	00	03
	418	00	00	25
	417	00	01	37
	421	00	03	31
	422	00	02	17
	423	00	01	65
	424	00	02	56
	425	00	01	31
	कुल	01	25	18
लबाना	1876	00	00	14
	1877	00	01	59
	1878	00	06	84
	1870	00	06	32
	1879	00	01	39
	1868	00	00	62
	1867	00	02	55
	1865	00	02	57
	1864	00	02	41
	1856	00	01	96
	1855	00	00	75
	1857	00	00	27
	1854	00	07	02
	1853	00	00	44
	1845	00	02	66
	1844	00	00	50
	1842	00	04	40
	1841	00	04	19
	1836/1	00	02	44
	1836/2	00	02	43
	1835	00	05	07
	1812	00	04	58
	1872	00	00	20
	1811	00	03	99
	1810	00	03	55
	1809	00	05	09

1788	00	02	82
1789	00	02	52
1790	00	05	14
1759	00	05	27
1760	00	02	70
1763	00	03	30
1745	00	04	24
1746	00	05	85
1723	00	02	95
1722	00	06	37
1708	00	01	87
1707	00	03	16
1686	00	02	99
1685	00	03	05
1672	00	05	60
1670	00	00	50
1667	00	03	49
1666	00	03	46
1647	00	02	00
1648	00	04	45
1649	00	05	89
1651	00	00	52
1650	00	00	65
1606	00	01	78
1605	00	03	35
1604	00	04	71
1603	00	00	75
1609	00	03	55
1601	00	04	58
1599	00	04	45
1554	00	02	86
1559	00	01	49
1552	00	04	32
1551/2297	00	03	19
1551	00	03	18
1550	00	04	00
1549	00	05	69
1529	00	02	12
1528	00	01	55
1525	00	01	24
1476	00	11	23
1479	00	05	28
1473	00	01	59
1484	00	03	87

	1485	00	01	93
	1327	00	06	17
	1326	00	02	47
	1325	00	02	34
	1323	00	02	00
	1301	00	08	92
	1302	00	00	47
	1303	00	03	17
	1308	00	02	48
	1309	00	00	01
	1306	00	04	91
	कुल	02	62	41
धींगपुर	100	00	04	48
	98	00	00	62
	97	00	03	02
	96	00	03	36
	95	00	00	52
	94	00	01	30
	93	00	01	69
	92	00	07	60
	91	00	00	97
	29	00	02	18
	30	00	07	96
	19	00	08	02
	17	00	00	75
	कुल	00	42	47
अणी	184	00	01	78
	183	00	00	03
	185	00	01	02
	186	00	00	45
	189	00	00	53
	193	00	00	26
	191	00	03	41
	195	00	03	47
	213	00	03	14
	211	00	02	39
	212	00	00	28
	207	00	02	28
	208	00	00	03
	206	00	01	55
	203	00	05	13
	202	00	01	90
	123	00	02	51
	122	00	05	76

	121	00	00	28
	360	00	02	14
	362	00	00	57
	364	00	03	08
	365	00	04	82
	373	00	06	10
	377	00	05	73
	396	00	00	85
	392	00	02	79
	480	00	03	69
	481/1537	00	01	03
	481	00	03	44
	482	00	00	17
	483	00	00	50
	485	00	04	59
	484	00	01	87
	486	00	03	15
	487	00	03	23
	कुल	00	83	95
अचरोल	4815	00	01	14
	4814	00	02	13
	4813	00	02	82
	4811	00	04	56
	4810	00	01	80
	4793	00	03	66
	4796	00	01	13
	4797	00	01	95
	4800	00	02	46
	4736	00	03	07
	4735	00	04	00
	4734	00	00	57
	4721	00	04	21
	4722	00	01	80
	4719	00	01	86
	4718	00	01	88
	4717	00	02	04
	4716	00	01	71
	4702	00	02	77
	4703	00	01	73
	4704	00	01	31
	4707	00	01	47
	4692	00	02	21
	4693	00	00	26
	4550	00	02	05

4547	00	04	09
4478	00	04	93
4468	00	02	37
4469	00	03	44
4467	00	00	33
4421	00	00	05
4415	00	00	56
4401	00	04	86
4399	00	03	70
4373	00	02	52
4374	00	03	00
4370	00	03	52
4368	00	01	50
4129	00	02	90
4130	00	02	09
4128	00	10	15
3704/7699	00	01	61
3643	00	04	18
3635	00	01	54
3634	00	04	23
3629	00	02	86
3632	00	00	50
3631	00	01	10
3630	00	04	71
3625	00	05	69
3626	00	04	62
3584	00	00	85
3589	00	07	70
3592	00	07	90
3593	00	08	34
3567	00	07	39
3566	00	07	00
3556	00	01	11
3487	00	11	50
3486	00	05	82
3485	00	08	20
3444/6736	00	16	94
3444	00	02	39
3443	00	04	05
2813/7233	00	01	03
2828	00	02	78
2829	00	01	31
2820	00	02	27
2821	00	01	17

	2839	00	00	41
	2840	00	00	68
	2838	00	00	20
	2845	00	01	74
	2846	00	02	80
	2847	00	00	94
	2849	00	05	91
	2850	00	02	26
	2606	00	04	48
	2616	00	02	30
	2618	00	03	98
	2619	00	01	31
	2615	00	04	40
	कुल	02	64	80
	593	00	17	77
स्यारी	582/841	00	00	04
	582/840	00	01	01
	582/839	00	02	44
	580/838	00	05	46
	581	00	01	77
	580	00	04	35
	579	00	00	17
	577	00	00	49
	578	00	04	24
	572	00	01	32
	574	00	06	00
	559	00	01	72
	558	00	02	78
	557	00	00	25
	556	00	01	71
	555	00	02	18
	554	00	03	95
	552	00	03	36
	551	00	02	27
	504	00	02	53
	505	00	00	98
	502	00	01	79
	508	00	01	98
	510	00	00	29
	509	00	04	08
	512	00	00	56
	515	00	00	05
	514	00	03	00
	391	00	04	93

	392	00	04	64
	400	00	01	30
	394	00	07	67
	395	00	02	60
	237	00	03	40
	236	00	05	20
	235	00	00	04
	154	00	07	85
	159	00	00	04
	153	00	06	19
	140	00	03	31
	138	00	03	52
	137	00	02	83
	134	00	01	05
	कुल	01	33	11
जुगलपुरा	375	00	00	49
	377	00	04	46
	376	00	03	17
	380	00	05	00
	381	00	02	30
	383	00	03	79
	204	00	00	76
	203	00	05	26
	177	00	01	63
	176	00	01	66
	175	00	01	65
	174	00	02	24
	173	00	02	13
	172	00	03	40
	171	00	01	75
	180	00	01	72
	170	00	02	29
	169	00	02	38
	168	00	02	11
	165	00	02	53
	154	00	03	23
	144	00	02	88
	145	00	02	80
	136	00	03	99
	135	00	00	03
	131/697	00	02	76
	130	00	02	28
	118	00	03	56
	117	00	00	30

	120	00	00	87
	124	00	01	30
	123	00	02	86
	67	00	02	77
	66	00	02	80
	60	00	03	09
	54	00	02	83
	28	00	02	59
	29	00	00	95
	30	00	00	96
	24	00	00	23
	22	00	00	04
	16	00	08	16
	17	00	06	67
	19/663	00	00	03
	9	00	12	98
	8	00	03	90
	3/1	00	01	20
	4	00	00	20
	4/2 } 4/3 }	00	08	72
	2	00	01	92
	कुल	01	37	62
जयसिंहनगर	177	00	12	63
	176	00	11	04
	172	00	00	78
	165	00	06	87
	164	00	04	22
	163	00	00	18
	127	00	00	47
	129	00	11	66
	121	00	02	82
	119	00	00	77
	120	00	00	27
	118	00	03	28
	117	00	02	54
	116	00	04	82
	99	00	02	49
	100	00	00	73
	98	00	01	72
	93	00	04	15
	67	00	02	70
	66	00	04	06
	65	00	01	74

	59	00	02	59
	57/339	00	01	22
	56	00	01	98
	38	00	04	71
	39	00	00	10
	13	00	06	30
	9	00	01	68
	10	00	00	49
	8	00	06	38
	7/349	00	00	58
	कुल	01	05	97
चन्दवाजी	38	00	00	27
	36	00	00	29
	35	00	07	57
	33	00	02	45
	33/158	00	03	86
	33/159	00	00	02
	32	00	03	74
	कुल	00	18	20
सालङ्वास	456	00	07	34
	454	00	02	55
	453/619	00	02	96
	453	00	03	13
	451	00	06	74
	437	00	01	85
	436	00	07	09
	435	00	04	59
	434	00	04	32
	183	00	05	04
	182	00	03	62
	174	00	04	89
	173	00	11	07
	323	00	00	15
	322	00	02	78
	321	00	02	06
	212	00	06	45
	211	00	06	06
	126	00	01	25
	125/2	00	02	46
	122	00	03	13
	123	00	03	11
	113	00	02	80
	113/664	00	02	62
	112	00	01	00

	111	00	00	46
	96	00	07	49
	94	00	07	16
	95	00	00	67
	कुल	01	14	84
लखेर	986	00	00	62
	987	00	04	97
	981	00	03	24
	973	00	05	46
	952	00	14	10
	949	00	01	53
	914/1402	00	01	69
	914	00	04	90
	911	00	04	54
	904	00	02	41
	903	00	01	99
	902	00	02	65
	900	00	02	11
	901	00	00	14
	899	00	04	26
	872	00	00	40
	876	00	01	97
	875	00	15	33
	873	00	00	50
	869	00	08	83
	865	00	01	78
	867	00	04	55
	864	00	05	55
	856	00	05	85
	855	00	01	47
	849	00	06	26
	834	00	06	61
	814	00	00	19
	833	00	05	87
	832	00	05	95
	816	00	00	57
	818	00	06	33
	823	00	20	66
	395/1338	00	00	46
	394	00	03	52
	393	00	07	45
	396	00	05	07
	322	00	52	75
	315	00	00	33

	318	00	04	23
	318/1298	00	01	53
	317/1334	00	11	04
	317/1311	00	20	55
	304/1337	00	04	99
	304	00	01	87
	317/1355	00	00	65
	303	00	05	43
	300	00	00	73
	कुल	02	73	88

[फा. सं. आर-25011/1/2016-ओआर-1 (पार्ट)]

पवन कुमार, अवर सचिव

New Delhi, the 3rd October, 2017

S.O. 2387.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, published in the Gazette of India No. 443 Part-II, section 3, sub-section(ii) dated 16.02.2017 vide S.O. Number 487 (E) dated 08.02.2017 issued under sub-section (1) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act) the Central Government declared its intention to acquire the right of user in the land situated in Tehsil Amer, District Jaipur in Rajasthan State, specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum Naphtha from Jaipur in the State of Rajasthan to Panipat in the State of Haryana by the Indian Oil Corporation Limited for implementing the "Jaipur Panipat Naphtha Pipeline Project".

And whereas the copies of the said Gazette notification were made available to the public 05.04.2017.

And whereas the Competent Authority has under sub-section(1) of section 6 of the said Act, has submitted his report of Central Government.

And whereas, the Central Government after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of the user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user of the said land for laying the pipeline shall, instead of vesting in the Central Government, vests on the date of publication of the declaration, in India Oil Corporation Limited, free from all encumbrances.

India Oil Corporation Limited shall be exclusively liable for any compensation in terms of section 10 of the P & MP Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government on any matter relating to pipeline.

SCHEDULE

Tehsil : Amer

District : Jaipur

State : Rajasthan

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
Amer	8701	00	04	55
	8703	00	01	74

8719	00	03	29
8706	00	00	03
8718	00	02	04
8717	00	01	59
8707	00	02	25
8708	00	01	82
8716	00	01	87
8711	00	04	22
8712	00	01	14
8730	00	05	54
8732	00	07	46
8733	00	00	33
8750	00	00	18
8749	00	06	70
8755	00	03	44
8746	00	02	30
8756	00	01	78
8689	00	02	48
8688	00	02	77
8687	00	02	79
8769	00	04	30
8774	00	01	91
8772	00	02	60
8773	00	03	18
8778	00	01	64
8681	00	01	59
8780	00	06	24
8663	00	04	42
8664	00	02	09
8662	00	02	09
8661	00	01	77
8642	00	02	05
8642/9681	00	00	42
8655	00	06	51
8654	00	02	42
7690	00	03	34
7671	00	01	44
7670	00	01	67
7669	00	00	28
7664	00	01	10
7665	00	01	17
7666	00	01	84
7667	00	00	57
7456	00	04	37
7457	00	02	64

	7458	00	03	53
	7630	00	01	50
	7632	00	07	61
	7841/9260	00	29	27
	7841/9260/ 9318	00	04	54
	7841/9260/ 9319	00	00	94
	2961	00	03	03
	2962	00	04	56
	2964	00	02	04
	2716	00	07	95
	2719	00	02	43
	2727	00	11	17
	2728	00	02	02
	2725	00	01	09
	Total	02	03	64
Kukas	1524	00	06	00
	1524/1	00	03	00
	1524/2	00	04	60
	2518/1524	00	06	00
	1106	00	00	36
	1108	00	02	76
	1107	00	05	48
	1092	00	02	91
	1091	00	05	13
	1090	00	02	36
	1089	00	02	70
	867	00	05	22
	663	00	03	41
	661	00	00	65
	662	00	04	28
	664	00	02	35
	656	00	02	52
	654	00	02	17
	649	00	04	19
	644	00	03	24
	643	00	00	56
	Total	00	69	89
Dhand	258	00	00	54
	267/1403	00	02	06
	267	00	02	18
	266	00	04	10
	260	00	01	47
	262	00	07	25

	263	00	05	12
	264	00	05	01
	288	00	00	03
	291	00	00	24
	289	00	08	51
	285	00	02	71
	313	00	03	15
	314	00	04	63
	326	00	05	90
	327	00	06	11
	550	00	06	75
	552	00	04	85
	539	00	00	36
	553	00	00	59
	538	00	00	08
	554	00	03	97
	555	00	02	01
	535	00	04	95
	534	00	01	39
	519	00	00	35
	498	00	06	54
	495	00	00	65
	501	00	01	35
	502	00	01	90
	490	00	02	22
	489	00	00	94
	488	00	02	67
	402	00	00	58
	469	00	01	01
	403	00	01	33
	404	00	02	76
	457	00	02	10
	456	00	02	28
	414	00	01	89
	416	00	00	03
	418	00	00	25
	417	00	01	37
	421	00	03	31
	422	00	02	17
	423	00	01	65
	424	00	02	56
	425	00	01	31
	Total	01	25	18
Labana	1876	00	00	14

1877	00	01	59
1878	00	06	84
1870	00	06	32
1879	00	01	39
1868	00	00	62
1867	00	02	55
1865	00	02	57
1864	00	02	41
1856	00	01	96
1855	00	00	75
1857	00	00	27
1854	00	07	02
1853	00	00	44
1845	00	02	66
1844	00	00	50
1842	00	04	40
1841	00	04	19
1836/1	00	02	44
1836/2	00	02	43
1835	00	05	07
1812	00	04	58
1872	00	00	20
1811	00	03	99
1810	00	03	55
1809	00	05	09
1788	00	02	82
1789	00	02	52
1790	00	05	14
1759	00	05	27
1760	00	02	70
1763	00	03	30
1745	00	04	24
1746	00	05	85
1723	00	02	95
1722	00	06	37
1708	00	01	87
1707	00	03	16
1686	00	02	99
1685	00	03	05
1672	00	05	60
1670	00	00	50
1667	00	03	49
1666	00	03	46
1647	00	02	00

	1648	00	04	45
	1649	00	05	89
	1651	00	00	52
	1650	00	00	65
	1606	00	01	78
	1605	00	03	35
	1604	00	04	71
	1603	00	00	75
	1609	00	03	55
	1601	00	04	58
	1599	00	04	45
	1554	00	02	86
	1559	00	01	49
	1552	00	04	32
	1551/2297	00	03	19
	1551	00	03	18
	1550	00	04	00
	1549	00	05	69
	1529	00	02	12
	1528	00	01	55
	1525	00	01	24
	1476	00	11	23
	1479	00	05	28
	1473	00	01	59
	1484	00	03	87
	1485	00	01	93
	1327	00	06	17
	1326	00	02	47
	1325	00	02	34
	1323	00	02	00
	1301	00	08	92
	1302	00	00	47
	1303	00	03	17
	1308	00	02	48
	1309	00	00	01
	1306	00	04	91
	Total	02	62	41
Dhingpur	100	00	04	48
	98	00	00	62
	97	00	03	02
	96	00	03	36
	95	00	00	52
	94	00	01	30
	93	00	01	69

	92	00	07	60
	91	00	00	97
	29	00	02	18
	30	00	07	96
	19	00	08	02
	17	00	00	75
	Total	00	42	47
Ani	184	00	01	78
	183	00	00	03
	185	00	01	02
	186	00	00	45
	189	00	00	53
	193	00	00	26
	191	00	03	41
	195	00	03	47
	213	00	03	14
	211	00	02	39
	212	00	00	28
	207	00	02	28
	208	00	00	03
	206	00	01	55
	203	00	05	13
	202	00	01	90
	123	00	02	51
	122	00	05	76
	121	00	00	28
	360	00	02	14
	362	00	00	57
	364	00	03	08
	365	00	04	82
	373	00	06	10
	377	00	05	73
	396	00	00	85
	392	00	02	79
	480	00	03	69
	481/1537	00	01	03
	481	00	03	44
	482	00	00	17
	483	00	00	50
	485	00	04	59
	484	00	01	87
	486	00	03	15
	487	00	03	23
	Total	00	83	95

Achrol	4815	00	01	14
	4814	00	02	13
	4813	00	02	82
	4811	00	04	56
	4810	00	01	80
	4793	00	03	66
	4796	00	01	13
	4797	00	01	95
	4800	00	02	46
	4736	00	03	07
	4735	00	04	00
	4734	00	00	57
	4721	00	04	21
	4722	00	01	80
	4719	00	01	86
	4718	00	01	88
	4717	00	02	04
	4716	00	01	71
	4702	00	02	77
	4703	00	01	73
	4704	00	01	31
	4707	00	01	47
	4692	00	02	21
	4693	00	00	26
	4550	00	02	05
	4547	00	04	09
	4478	00	04	93
	4468	00	02	37
	4469	00	03	44
	4467	00	00	33
	4421	00	00	05
	4415	00	00	56
	4401	00	04	86
	4399	00	03	70
	4373	00	02	52
	4374	00	03	00
	4370	00	03	52
	4368	00	01	50
	4129	00	02	90
	4130	00	02	09
	4128	00	10	15
	3704/7699	00	01	61
	3643	00	04	18
	3635	00	01	54
	3634	00	04	23

	3629	00	02	86
	3632	00	00	50
	3631	00	01	10
	3630	00	04	71
	3625	00	05	69
	3626	00	04	62
	3584	00	00	85
	3589	00	07	70
	3592	00	07	90
	3593	00	08	34
	3567	00	07	39
	3566	00	07	00
	3556	00	01	11
	3487	00	11	50
	3486	00	05	82
	3485	00	08	20
	3444/6736	00	16	94
	3444	00	02	39
	3443	00	04	05
	2813/7233	00	01	03
	2828	00	02	78
	2829	00	01	31
	2820	00	02	27
	2821	00	01	17
	2839	00	00	41
	2840	00	00	68
	2838	00	00	20
	2845	00	01	74
	2846	00	02	80
	2847	00	00	94
	2849	00	05	91
	2850	00	02	26
	2606	00	04	48
	2616	00	02	30
	2618	00	03	98
	2619	00	01	31
	2615	00	04	40
	Total	02	64	80
Syari	593	00	17	77
	582/841	00	00	04
	582/840	00	01	01
	582/839	00	02	44
	580/838	00	05	46
	581	00	01	77
	580	00	04	35

	579	00	00	17
	577	00	00	49
	578	00	04	24
	572	00	01	32
	574	00	06	00
	559	00	01	72
	558	00	02	78
	557	00	00	25
	556	00	01	71
	555	00	02	18
	554	00	03	95
	552	00	03	36
	551	00	02	27
	504	00	02	53
	505	00	00	98
	502	00	01	79
	508	00	01	98
	510	00	00	29
	509	00	04	08
	512	00	00	56
	515	00	00	05
	514	00	03	00
	391	00	04	93
	392	00	04	64
	400	00	01	30
	394	00	07	67
	395	00	02	60
	237	00	03	40
	236	00	05	20
	235	00	00	04
	154	00	07	85
	159	00	00	04
	153	00	06	19
	140	00	03	31
	138	00	03	52
	137	00	02	83
	134	00	01	05
	Total	01	33	11
Jugalpura	375	00	00	49
	377	00	04	46
	376	00	03	17
	380	00	05	00
	381	00	02	30
	383	00	03	79

204	00	00	76
203	00	05	26
177	00	01	63
176	00	01	66
175	00	01	65
174	00	02	24
173	00	02	13
172	00	03	40
171	00	01	75
180	00	01	72
170	00	02	29
169	00	02	38
168	00	02	11
165	00	02	53
154	00	03	23
144	00	02	88
145	00	02	80
136	00	03	99
135	00	00	03
131/697	00	02	76
130	00	02	28
118	00	03	56
117	00	00	30
120	00	00	87
124	00	01	30
123	00	02	86
67	00	02	77
66	00	02	80
60	00	03	09
54	00	02	83
28	00	02	59
29	00	00	95
30	00	00	96
24	00	00	23
22	00	00	04
16	00	08	16
17	00	06	67
19/663	00	00	03
9	00	12	98
8	00	03	90
3/1	00	01	20
4	00	00	20
4/2 } 4/3 }	00	08	72
2	00	01	92

	Total	01	37	62
Jaisinghnagar	177	00	12	63
	176	00	11	04
	172	00	00	78
	165	00	06	87
	164	00	04	22
	163	00	00	18
	127	00	00	47
	129	00	11	66
	121	00	02	82
	119	00	00	77
	120	00	00	27
	118	00	03	28
	117	00	02	54
	116	00	04	82
	99	00	02	49
	100	00	00	73
	98	00	01	72
	93	00	04	15
	67	00	02	70
	66	00	04	06
	65	00	01	74
	59	00	02	59
	57/339	00	01	22
	56	00	01	98
	38	00	04	71
	39	00	00	10
	13	00	06	30
	9	00	01	68
	10	00	00	49
	8	00	06	38
	7/349	00	00	58
	Total	01	05	97
Chandwaji	38	00	00	27
	36	00	00	29
	35	00	07	57
	33	00	02	45
	33/158	00	03	86
	33/159	00	00	02
	32	00	03	74
	Total	00	18	20
Salarwas	456	00	07	34
	454	00	02	55
	453/619	00	02	96
	453	00	03	13

	451	00	06	74
	437	00	01	85
	436	00	07	09
	435	00	04	59
	434	00	04	32
	183	00	05	04
	182	00	03	62
	174	00	04	89
	173	00	11	07
	323	00	00	15
	322	00	02	78
	321	00	02	06
	212	00	06	45
	211	00	06	06
	126	00	01	25
	125/2	00	02	46
	122	00	03	13
	123	00	03	11
	113	00	02	80
	113/664	00	02	62
	112	00	01	00
	111	00	00	46
	96	00	07	49
	94	00	07	16
	95	00	00	67
	Total	01	14	84
Lakher	986	00	00	62
	987	00	04	97
	981	00	03	24
	973	00	05	46
	952	00	14	10
	949	00	01	53
	914/1402	00	01	69
	914	00	04	90
	911	00	04	54
	904	00	02	41
	903	00	01	99
	902	00	02	65
	900	00	02	11
	901	00	00	14
	899	00	04	26
	872	00	00	40
	876	00	01	97
	875	00	15	33

873	00	00	50
869	00	08	83
865	00	01	78
867	00	04	55
864	00	05	55
856	00	05	85
855	00	01	47
849	00	06	26
834	00	06	61
814	00	00	19
833	00	05	87
832	00	05	95
816	00	00	57
818	00	06	33
823	00	20	66
395/1338	00	00	46
394	00	03	52
393	00	07	45
396	00	05	07
322	00	52	75
315	00	00	33
318	00	04	23
318/1298	00	01	53
317/1334	00	11	04
317/1311	00	20	55
304/1337	00	04	99
304	00	01	87
317/1355	00	00	65
303	00	05	43
300	00	00	73
Total	02	73	88

[F. No. R-25011/1/2016-OR-I (Pt.)]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 3 अक्टूबर, 2017

का.आ. 2388.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 उप धारा (1) के अधीन जारी की गई, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना जिसका प्रकाशन भारत के राजपत्र संख्या 1884 दिनांक 27.7.2016 का.आ संख्या 2542(अ), दिनांक 20.07.2016, भाग II, खण्ड 3, उपखण्ड (ii) में किया गया है। इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट राजस्थान राज्य की तहसील विराटनगर, जिला जयपुर की भूमि में, राजस्थान राज्य में जयपुर से हरियाणा राज्य में पानीपत तक पेट्रोलियम नेफ्था के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा

क्रियान्वित किए जा रहे “जयपुर पानीपत नेप्था पाइपलाइन परियोजना” के सम्बन्ध में पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के लिए अपने आशय की घोषणा की थी :

और उक्त राजपत्र अधिसूचनाओं की प्रतियां जनता को तारीख 02.03.2017 तक उपलब्ध करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है :

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार अर्जित किया जाए:

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाय सभी विल्लंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 की धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड पूर्णतया उत्तरदायी होगी और पाइपलाइन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

तहसील : विराटनगर

जिला : जयपुर

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
सूरपुरा	674/987	00	01	25
	686	00	00	37
	687	00	12	89
	697	00	02	61
	698	00	02	42
	699	00	02	24
	700	00	05	93
	788	00	02	37
	785	00	02	35
	783	00	04	80
	784	00	02	81
	601/995	00	11	24
	598/1002	00	12	29
	596	00	14	90
	555	00	08	19
	554	00	05	80
	551	00	00	66
	553	00	01	50
	552	00	08	45

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
	Total	01	03	07
खातोलाई	1133	00	14	93
	1134	00	18	93
	1241	00	10	93
	1240	00	09	07
	1238/1	00	04	56
	1237	00	04	10
	1236	00	04	06
	1235/1	00	03	94
	1234/1	00	04	28
	1233	00	03	75
	1182	00	02	28
	1184	00	05	37
	1185	00	16	15
	1173	00	06	23
	1172	00	04	59
	1171	00	09	30
	1170	00	03	46
	1146	00	09	47
	1149	00	08	27
	1148	00	10	36
	1148/1	00	01	00
	1111	00	01	09
	1151	00	01	64
	1110	00	00	47
	1102	00	11	46
	1104	00	04	04
	1105	00	05	55
	1097	00	09	92
	1096	00	00	60
	1093	00	04	72
	1094	00	00	48
	1091	00	03	39

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
	1090	00	06	65
	1056/2192	00	02	35
	1052/1	00	09	56
	1014	00	04	50
	1015	00	07	19
	1011	00	03	76
	1018	00	01	26
	Total	02	33	66
भाबरू	2205	00	05	82
	2230	00	08	98
	2231	00	02	46
	2228	00	08	16
	2225	00	04	70
	2223	00	00	42
	2260	00	03	15
	2261	00	02	16
	2262	00	03	24
	2264	00	05	39
	2275	00	04	56
	2274	00	00	94
	2272	00	06	08
	2271	00	03	72
	2270	00	02	61
	2323	00	05	98
	2315	00	00	10
	2326	00	01	83
	2327	00	03	99
	2328	00	01	75
	2330	00	03	07
	2329	00	01	58
	2335	00	05	88
	2386	00	07	00
	2385	00	04	70

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
	2392	00	08	48
	2750	00	03	20
	2747	00	02	49
	2745	00	06	16
	1021	00	03	23
	1022	00	05	13
	1024	00	07	44
	1025	00	04	53
	1026	00	02	98
	1027	00	01	94
	1032	00	03	48
	1031	00	01	38
	1033	00	00	84
	1034	00	08	36
	932	00	04	77
	933	00	04	33
	935	00	03	99
	936	00	00	11
	938	00	04	78
	941	00	02	90
	874	00	01	11
	876	00	07	42
	877	00	06	89
	866	00	06	01
	865	00	06	14
	852	00	05	16
	853	00	04	88
	854	00	03	30
	848	00	00	25
	875	00	06	35
	Total	02	26	30
दोल्यापुर	2786	00	06	38
	2787	00	04	35

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
	2785	00	03	41
	2783	00	02	89
	2782	00	02	79
	2780	00	05	89
	2778	00	10	52
	2848	00	01	23
	2846	00	02	75
	2845	00	01	34
	2850	00	03	07
	2887	00	03	76
	2886	00	07	63
	2884	00	06	38
	2916	00	09	65
	2917	00	04	30
	2927	00	02	17
	2925	00	03	02
	2926	00	00	19
	2924	00	01	54
	2929	00	03	93
	3012	00	13	14
	3002	00	11	45
	3007	00	00	84
	3006	00	00	96
	3003	00	00	05
	2995	00	01	99
	2996	00	02	08
	2999	00	02	94
	2978	00	05	47
	2981	00	04	61
	2982	00	00	25
	2984	00	00	58
	2983	00	04	43
	2973	00	00	88

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
	2972	00	09	95
	2968	00	05	60
	2964	00	07	02
	Total	01	59	43
बहडोदा	355	0	16	99
	367	0	2	17
	356	0	15	76
	365	0	8	76
	426	0	2	80
	428	0	2	41
	422	0	4	14
	417	0	4	14
	418	0	3	63
	411	0	1	83
	408	0	2	25
	405	0	2	41
	404	0	2	5
	403	0	2	64
	399	0	6	41
	400	0	0	59
	Total	0	78	98
हनुमान नगर	3774	00	11	88
	3777	00	09	55
	3778	00	06	02
	3779	00	06	75
	3721	00	07	24
	3745	00	01	67
	3744	00	00	94
	3722	00	05	99
	3723	00	08	60
	3726	00	03	50
	3727	00	07	27
	3553	00	06	16

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
	3945/3553	00	06	16
	3946/3553	00	12	35
	3537	00	10	62
	3554	00	01	91
	Total	01	06	61
राम नगर	3536/3874	00	17	73
	3529	00	00	60
	3517	00	08	97
	3519	00	03	73
	3524	00	06	90
	3522	00	08	16
	3494	00	00	60
	3485	00	07	90
	3479	00	03	74
	3478	00	05	36
	3456	00	09	06
	3455	00	09	11
	3454	00	08	60
	3452	00	08	53
	3273	00	03	68
	3272	00	03	88
	3271	00	04	95
	3270	00	00	71
	3269	00	03	21
	3262	00	11	98
	Total	01	27	40
बनी पार्क	1274	00	01	04
	1279	00	04	57
	1266	00	06	28
	1265	00	07	76
	1264	00	00	09
	1281	00	01	35
	1282	00	08	85

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
	1283	00	03	96
	1284	00	06	98
	1285	00	01	97
	2278/1285	00	01	96
	1289	00	04	58
	1288	00	07	15
	1291	00	01	45
	1204	00	03	80
	1198	00	06	24
	1200	00	00	48
	1171	00	06	35
	1169	00	04	64
	1168	00	06	12
	1201	00	00	19
	Total	00	85	81
तलियारा	1915/1	00	09	68
	1916	00	03	56
	1917	00	03	30
	1995	00	02	90
	2016	00	02	43
	2015	00	05	71
	2018	00	05	50
	2038	00	01	60
	2040	00	05	00
	2042	00	00	81
	Total	00	40	49

[फा. सं. आर-25011/1/2016-ओआर-I (पार्ट)]

पवन कुमार, अवर सचिव

New Delhi, the 3rd October, 2017

S.O. 2388.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, published in the Gazette No. 1884 dated 27.7.2016, S.O. No. 2542(E) dated 20.07.2016, Part-II, section 3, sub-section(ii) issued under sub-section (1) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act) the Central Government declared its intention to acquire the right of user in the land situated in Tehsil Viratnagar District Jaipur in Rajasthan State, specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of

petroleum Naphtha from Jaipur in the State of Rajasthan to Panipat in the State of Haryana by the Indian Oil Corporation Limited for implementing the "Jaipur Panipat Naphtha Pipeline Project".

And whereas the copies of the said Gazette notification were made available to the public on 02.03.2017.

And whereas the Competent Authority has under sub-section(1) of section 6 of the said Act, has submitted his report of Central Government.

And whereas, the Central Government after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of the user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user of the said land for laying the pipeline shall, instead of vesting in the Central Government, vests on the date of publication of the declaration, in India Oil Corporation Limited, free from all encumbrances.

India Oil Corporation Limited shall be exclusively liable for any compensation in terms of section 10 of the P & MP Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government on any matter relating to pipeline.

SCHEDULE

Tehsil : Viratnagar

District : Jaipur

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
Surpura	674/987	00	01	25
	686	00	00	37
	687	00	12	89
	697	00	02	61
	698	00	02	42
	699	00	02	24
	700	00	05	93
	788	00	02	37
	785	00	02	35
	783	00	04	80
	784	00	02	81
	601/995	00	11	24
	598/1002	00	12	29
	596	00	14	90
	555	00	08	19
	554	00	05	80
	551	00	00	66
	553	00	01	50
	552	00	08	45
	Total	01	03	07
Khatolai	1133	00	14	93
	1134	00	18	93

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	1241	00	10	93
	1240	00	09	07
	1238/1	00	04	56
	1237	00	04	10
	1236	00	04	06
	1235/1	00	03	94
	1234/1	00	04	28
	1233	00	03	75
	1182	00	02	28
	1184	00	05	37
	1185	00	16	15
	1173	00	06	23
	1172	00	04	59
	1171	00	09	30
	1170	00	03	46
	1146	00	09	47
	1149	00	08	27
	1148	00	10	36
	1148/1	00	01	00
	1111	00	01	09
	1151	00	01	64
	1110	00	00	47
	1102	00	11	46
	1104	00	04	04
	1105	00	05	55
	1097	00	09	92
	1096	00	00	60
	1093	00	04	72
	1094	00	00	48
	1091	00	03	39
	1090	00	06	65
	1056/2192	00	02	35
	1052/1	00	09	56
	1014	00	04	50
	1015	00	07	19
	1011	00	03	76
	1018	00	01	26
	Total	02	33	66

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
Bhabroo	2205	00	05	82
	2230	00	08	98
	2231	00	02	46
	2228	00	08	16
	2225	00	04	70
	2223	00	00	42
	2260	00	03	15
	2261	00	02	16
	2262	00	03	24
	2264	00	05	39
	2275	00	04	56
	2274	00	00	94
	2272	00	06	08
	2271	00	03	72
	2270	00	02	61
	2323	00	05	98
	2315	00	00	10
	2326	00	01	83
	2327	00	03	99
	2328	00	01	75
	2330	00	03	07
	2329	00	01	58
	2335	00	05	88
	2386	00	07	00
	2385	00	04	70
	2392	00	08	48
	2750	00	03	20
	2747	00	02	49
	2745	00	06	16
	1021	00	03	23
	1022	00	05	13
	1024	00	07	44
	1025	00	04	53
	1026	00	02	98
	1027	00	01	94
	1032	00	03	48
	1031	00	01	38
	1033	00	00	84

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	1034	00	08	36
	932	00	04	77
	933	00	04	33
	935	00	03	99
	936	00	00	11
	938	00	04	78
	941	00	02	90
	874	00	01	11
	876	00	07	42
	877	00	06	89
	866	00	06	01
	865	00	06	14
	852	00	05	16
	853	00	04	88
	854	00	03	30
	848	00	00	25
	875	00	06	35
	Total	02	26	30
Daulyapur	2786	00	06	38
	2787	00	04	35
	2785	00	03	41
	2783	00	02	89
	2782	00	02	79
	2780	00	05	89
	2778	00	10	52
	2848	00	01	23
	2846	00	02	75
	2845	00	01	34
	2850	00	03	07
	2887	00	03	76
	2886	00	07	63
	2884	00	06	38
	2916	00	09	65
	2917	00	04	30
	2927	00	02	17
	2925	00	03	02
	2926	00	00	19
	2924	00	01	54

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	2929	00	03	93
	3012	00	13	14
	3002	00	11	45
	3007	00	00	84
	3006	00	00	96
	3003	00	00	05
	2995	00	01	99
	2996	00	02	08
	2999	00	02	94
	2978	00	05	47
	2981	00	04	61
	2982	00	00	25
	2984	00	00	58
	2983	00	04	43
	2973	00	00	88
	2972	00	09	95
	2968	00	05	60
	2964	00	07	02
	Total	01	59	43
Bahroda	355	0	16	99
	367	0	2	17
	356	0	15	76
	365	0	8	76
	426	0	2	80
	428	0	2	41
	422	0	4	14
	417	0	4	14
	418	0	3	63
	411	0	1	83
	408	0	2	25
	405	0	2	41
	404	0	2	5
	403	0	2	64
	399	0	6	41
	400	0	0	59
	Total	0	78	98
Hanuman Nagar	3774	00	11	88
	3777	00	09	55

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	3778	00	06	02
	3779	00	06	75
	3721	00	07	24
	3745	00	01	67
	3744	00	00	94
	3722	00	05	99
	3723	00	08	60
	3726	00	03	50
	3727	00	07	27
	3553	00	06	16
	3945/3553	00	06	16
	3946/3553	00	12	35
	3537	00	10	62
	3554	00	01	91
	Total	01	06	61
Ramnagar	3536/3874	00	17	73
	3529	00	00	60
	3517	00	08	97
	3519	00	03	73
	3524	00	06	90
	3522	00	08	16
	3494	00	00	60
	3485	00	07	90
	3479	00	03	74
	3478	00	05	36
	3456	00	09	06
	3455	00	09	11
	3454	00	08	60
	3452	00	08	53
	3273	00	03	68
	3272	00	03	88
	3271	00	04	95
	3270	00	00	71
	3269	00	03	21
	3262	00	11	98
	Total	01	27	40
Bani Park	1274	00	01	04
	1279	00	04	57

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	1266	00	06	28
	1265	00	07	76
	1264	00	00	09
	1281	00	01	35
	1282	00	08	85
	1283	00	03	96
	1284	00	06	98
	1285	00	01	97
	2278/1285	00	01	96
	1289	00	04	58
	1288	00	07	15
	1291	00	01	45
	1204	00	03	80
	1198	00	06	24
	1200	00	00	48
	1171	00	06	35
	1169	00	04	64
	1168	00	06	12
	1201	00	00	19
	Total	00	85	81
Taliyara	1915/1	00	09	68
	1916	00	03	56
	1917	00	03	30
	1995	00	02	90
	2016	00	02	43
	2015	00	05	71
	2018	00	05	50
	2038	00	01	60
	2040	00	05	00
	2042	00	00	81
	Total	00	40	49

[F. No. R-25011/1/2016-OR-I (Pt.)]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 3 अक्टूबर, 2017

का.आ. 2389.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 उप धारा (1) के अधीन जारी की गई, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना जिसका प्रकाशन भारत के राजपत्र संख्या 1884 दिनांक 27.7.2016 का.आ संख्या 2543(अ) दिनांक 20.07.2016, भाग II, खण्ड 3, उपखण्ड (II) में किया गया है। इस

अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट राजस्थान राज्य की तहसील बहरोड़ जिला अलवर की भूमि में, राजस्थान राज्य में जयपुर से हरियाणा राज्य में पानीपत तक पेट्रोलियम नेफ्था के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा क्रियान्वित किए जा रहे “जयपुर पानीपत नेफ्था पाइपलाइन परियोजना” के सम्बन्ध में पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के लिए अपने आशय की घोषणा की थी :

और उक्त राजपत्र अधिसूचनाओं की प्रतियां जनता को तारीख 02.03.2017 तक उपलब्ध करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित हैं, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है :

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद् द्वारा घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार अर्जित किया जाए:

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाय सभी विल्लंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 की धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड पूर्णतया उत्तरदायी होगी और पाइपलाइन से सम्बन्धित किसी भी मामलों पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

तहसील : बहरोड़

जिला : अलवर

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
जैनपुरवास	884	00	00	34
	883	00	06	40
	881	00	09	07
	814/2320	00	07	27
	814	00	03	13
	817	00	00	04
	816	00	01	23
	815	00	02	97
	823	00	14	30
	830	00	04	49
	827	00	04	33
	828	00	00	92
	725	00	05	28
	724	00	03	74
	697	00	02	28
	698	00	06	59
	699	00	02	51
	700	00	04	91
	705	00	12	56
	706	00	01	92
	704	00	02	74
	708	00	01	72

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	Total	00	98	74
गूंती	2106	00	07	08
	2104	00	06	04
	2104/2370	00	06	04
	2103/2261	00	13	17
	2100/2260	00	00	61
	2064	00	04	96
	2065	00	07	34
	2086	00	00	07
	2085	00	05	08
	2084	00	00	20
	2083	00	07	82
	2082	00	05	26
	2081	00	03	61
	Total	00	67	28
श्यामपुर	408	00	03	32
	403	00	07	38
	401	00	01	80
	400	00	07	94
	394	00	01	75
	393	00	06	46
	392	00	06	84
	242	00	03	74
	243	00	05	63
	244	00	03	21
	254	00	09	18
	262	00	03	25
	252	00	01	59
	263	00	02	86
	264	00	05	77
	161	00	07	82
	164	00	00	15
	282	00	00	70
	283	00	03	79
	284	00	03	01
	285	00	04	39
	159	00	03	27
	158	00	01	72
	156	00	06	96
	155	00	00	19

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	142	00	02	67
	134	00	04	99
	135	00	04	61
	133	00	03	44
	Total	01	18	43
शिमला	337	00	00	41
	336	00	01	24
	305	00	07	97
	302	00	05	78
	301	00	01	28
	270	00	02	47
	271/461	00	02	00
	271	00	04	57
	272	00	02	23
	Total	00	27	95
गोकुलपुर	185	00	02	25
	182	00	01	60
	183	00	03	83
	183/757	00	06	78
	161	00	01	46
	158	00	00	34
	Total	00	16	26
मोमनपुर	1432	00	08	45
	1431	00	02	64
	1429	00	09	24
	1428	00	00	83
	1423	00	08	55
	1425	00	08	53
	225	00	03	66
	226	00	02	83
	229	00	05	60
	227	00	00	11
	228	00	01	50
	234	00	04	18
	235	00	00	07
	237	00	14	37
	Total	00	70	56
सर बिलन्दपुर	1403	00	10	40
	1377	00	04	47
	1378	00	05	03

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	Total	00	19	90
तलवाड	1397	00	12	94
	1396/1946	00	05	00
	1396	00	06	19
	273	00	05	96
	272	00	02	35
	271	00	05	14
	256	00	01	37
	255	00	01	13
	254	00	00	25
	222	00	02	87
	223	00	04	02
	224	00	03	70
	Total	00	50	92
जागुवास	208	00	03	44
	209	00	03	18
	210	00	03	31
	211	00	06	33
	202	00	02	79
	212	00	05	28
	151	00	11	41
	152	00	01	91
	149	00	08	41
	148	00	06	97
	104	00	06	59
	105	00	02	36
	106	00	00	14
	107	00	04	87
	100	00	02	25
	99	00	00	57
	Total	00	69	81

[फा. सं. आर-25011/1/2016-ओआर-I (पार्ट)]

पवन कुमार, अवर सचिव

New Delhi, the 3rd October, 2017

S.O. 2389.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, published in the Gazette No. 1884 dated 27.7.2016, S.O. No. 2543(E) dated 20.07.2016, Part-II, section 3, sub-section(ii) issued under sub-section (1) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act) the Central Government declared its intention to acquire the right of user in the land situated in Tehsil Behror District Alwar in Rajasthan State, specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum

Naphtha from Jaipur in the State of Rajasthan to Panipat in the State of Haryana by the Indian Oil Corporation Limited for implementing the "Jaipur Panipat Naphtha Pipeline Project".

And whereas the copies of the said Gazette notification were made available to the public on 02.03.2017.

And whereas the Competent Authority has under sub-section(1) of section 6 of the said Act, has submitted his report of Central Government.

And whereas, the Central Government after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of the user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user of the said land for laying the pipeline shall, instead of vesting in the Central Government, vests on the date of publication of the declaration, in India Oil Corporation Limited, free from all encumbrances.

India Oil Corporation Limited shall be exclusively liable for any compensation in terms of section 10 of the P & MP Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government on any matter relating to pipeline.

SCHEDULE

Tehsil : Behror

District : Alwar

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
Jainpurwas	884	00	00	34
	883	00	06	40
	881	00	09	07
	814/2320	00	07	27
	814	00	03	13
	817	00	00	04
	816	00	01	23
	815	00	02	97
	823	00	14	30
	830	00	04	49
	827	00	04	33
	828	00	00	92
	725	00	05	28
	724	00	03	74
	697	00	02	28
	698	00	06	59
	699	00	02	51
	700	00	04	91
	705	00	12	56
	706	00	01	92
	704	00	02	74
	708	00	01	72
	Total	00	98	74

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
Gunti	2106	00	07	08
	2104	00	06	04
	2104/2370	00	06	04
	2103/2261	00	13	17
	2100/2260	00	00	61
	2064	00	04	96
	2065	00	07	34
	2086	00	00	07
	2085	00	05	08
	2084	00	00	20
	2083	00	07	82
	2082	00	05	26
	2081	00	03	61
	Total	00	67	28
Shyampura	408	00	03	32
	403	00	07	38
	401	00	01	80
	400	00	07	94
	394	00	01	75
	393	00	06	46
	392	00	06	84
	242	00	03	74
	243	00	05	63
	244	00	03	21
	254	00	09	18
	262	00	03	25
	252	00	01	59
	263	00	02	86
	264	00	05	77
	161	00	07	82
	164	00	00	15
	282	00	00	70
	283	00	03	79
	284	00	03	01
	285	00	04	39
	159	00	03	27
	158	00	01	72
	156	00	06	96
	155	00	00	19
	142	00	02	67

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	134	00	04	99
	135	00	04	61
	133	00	03	44
	Total	01	18	43
Shimla	337	00	00	41
	336	00	01	24
	305	00	07	97
	302	00	05	78
	301	00	01	28
	270	00	02	47
	271/461	00	02	00
	271	00	04	57
	272	00	02	23
	Total	00	27	95
Gokulpura	185	00	02	25
	182	00	01	60
	183	00	03	83
	183/757	00	06	78
	161	00	01	46
	158	00	00	34
	Total	00	16	26
Momanpur	1432	00	08	45
	1431	00	02	64
	1429	00	09	24
	1428	00	00	83
	1423	00	08	55
	1425	00	08	53
	225	00	03	66
	226	00	02	83
	229	00	05	60
	227	00	00	11
	228	00	01	50
	234	00	04	18
	235	00	00	07
	237	00	14	37
	Total	00	70	56
Sarvilandpur	1403	00	10	40
	1377	00	04	47
	1378	00	05	03

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	Total	00	19	90
Talwad	1397	00	12	94
	1396/1946	00	05	00
	1396	00	06	19
	273	00	05	96
	272	00	02	35
	271	00	05	14
	256	00	01	37
	255	00	01	13
	254	00	00	25
	222	00	02	87
	223	00	04	02
	224	00	03	70
	Total	00	50	92
Jaguwas	208	00	03	44
	209	00	03	18
	210	00	03	31
	211	00	06	33
	202	00	02	79
	212	00	05	28
	151	00	11	41
	152	00	01	91
	149	00	08	41
	148	00	06	97
	104	00	06	59
	105	00	02	36
	106	00	00	14
	107	00	04	87
	100	00	02	25
	99	00	00	57
	Total	00	69	81

[F. No. R-25011/1/2016-OR-I (Pt.)]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 3 अक्टूबर, 2017

का.आ. 2390.— केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) भारत के राजपत्र, (असाधारण) के अधीन जारी की गयी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. 905(अ), तारीख 20 मार्च 2015, द्वारा तमिलनाडु राज्य में एन्नूर से मदुरै तक बाया चेंगलपट्टु-पांडिचेरी-त्रिची एलपीजी परिवहन के लिए इंडियन

ऑयल कॉर्पोरेशन लिमिटेड के द्वारा एक पाइपलाइन बिछाने के प्रयोजन के लिए उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी।

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 08.04.2015 को उपलब्ध करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उप- धारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना के संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है।

यह और कि केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि के उपयोग का अधिकार इस अधिसूचना के प्रकाश की तारीख से केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त हो कर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 की धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड पूर्णतया उत्तरदायी होगी और पाइपलाइन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

तालुका : पोन्नोरी	जिला : तिरुवल्लूर		राज्य : तमिलनाडु		
गाँव का नाम	सर्वेक्षण सं.- खण्ड सं.	उप खण्ड सं.	क्षेत्रफल		
			हेक्टेर	एयर	वर्ग मीटर
1	2	3	4	5	6
140. नैदावोयाल - II	10	2ए2	0	00	40
	9	3	0	00	40
	9	2	0	00	60
	9	1	0	30	00
	7	1	0	10	10
	8		0	05	40
	22		0	15	70
	27		0	42	50
	26	1	0	06	20
	84	3	0	03	40
	84	2	0	03	20
	84	1	0	02	85
	85	2ए2	0	05	80
	85	2ए1	0	03	25
	85	1	0	00	50
	540	2	0	00	40

	540	1	0	03	50
	891		0	02	45
	541		0	10	30
	542ए		0	01	60
	544		0	07	90
	549		0	20	00
	550		0	06	30
	553	2	0	07	50
	553	1	0	14	00
	554		0	09	65
	589	2	0	02	20
	589	3	0	22	20
	586		0	25	25
	603		0	13	00
	585		0	11	60
	583	2	0	21	20
	583	1	0	12	50
	582	1	0	07	50
	582	2	0	09	15
	832	4ए	0	03	80
	832	4बी	0	01	54
92.वायलोरे - II	2049	7	0	57	60
	2049	6	0	09	90
	1456		0	18	80
	1457		0	18	00
	1400		0	00	85
	1394	2	0	02	20
	1394	1	0	03	20
	1392	2	0	07	20
	1391	2	0	14	25
	1383		0	15	00
	1384		0	09	60

139.कलपक्रम	150		0	18	00
	149	2ए	0	03	00
	148	2ए	0	00	70
	148	2बी	0	06	25
	148	1	0	06	20
	147	2	0	03	60
	147	1सी	0	08	50
	147	1बी	0	01	80
	142	2	0	01	20
	142	3	0	06	60
	142	1बी	0	04	30
	142	1ए	0	05	90
	135	1बी	0	00	40
	135	1ए	0	03	40
	141	2	0	07	20
	141	1	0	04	35
	105	1सी	0	00	40
	75	2बी	0	04	50
	75	2ए	0	04	50
	75	1बी2	0	00	40
	75	1बी1	0	05	20
	75	1ए	0	03	40
	139		0	00	45
	72	5ए	0	04	50
	72	5बी	0	01	10
	72	3ए	0	00	40
	72	4	0	03	70
	71	2सी	0	04	30
	220	2बी	0	00	40
	220	2ए	0	03	90
	220	1बी	0	07	85
	220	1ए	0	01	85

	222	1	0	02	10
96. ठोत्तकाडु	48	1सी	0	11	25
	48	1बी	0	16	65
	48	1ए	0	06	80
	48	2ए	0	00	70
	49	3	0	00	80
	49	2	0	10	80
	49	1	0	9	90
	50		0	8	85
97. वेल्लाप्पक्कम	3	2	0	03	10
	2	3	0	00	40
	1	3	0	09	70
	1	2	0	01	10
	1	1	0	17	60
	18		0	14	40
	17	2	0	12	80
	17	1	0	07	10
	52	2	0	04	40
	52	1	0	05	50
	53	1	0	12	90
	54	9ए	0	05	20
	54	9बी	0	00	60
	54	6बी	0	00	40
	54	7	0	04	90
	54	8	0	00	40
	54	6सी	0	02	60
	59	15	0	01	80
	59	14बी	0	01	45
	59	14ए	0	00	85
	46		0	01	95
	44	3बी	0	08	40

	44	3ए	0	00	40
	44	1	0	06	70
	45	1	0	02	15
	43	2बी	0	01	95
	43	2ए	0	00	55
	40	2	0	06	70
	40	1	0	09	50
	41	5	0	07	00
98.नालूर- 1	6	5	0	00	40
	6	4	0	04	30
	6	3सी	0	02	90
	6	3बी	0	01	65
	6	3ए	0	02	25
	6	1बी1	0	00	40
	6	1बी2	0	10	40
	6	1ए3	0	00	40
	6	2ए	0	02	40
	6	1ए2बी	0	00	40
	7	1बी2	0	05	50
	7	1बी3	0	03	20
	7	1ए1	0	04	00
	7	1बी1	0	00	45
	7	1ए2	0	00	40
	7	1ए3	0	00	40
	8ए	5बी	0	11	70
	8ए	5ए	0	02	00
	8ए	2ए	0	00	40
	8ए	2बी	0	04	20
	8ए	3ए2बी	0	01	80
	8ए	3ए2ए	0	05	40
	8बी	1	0	03	80
	11सी	11	0	00	40

11सी	8	0	08	00
11सी	9	0	01	00
11सी	3	0	03	85
11सी	4बी	0	04	65
11सी	5	0	04	85
11सी	6	0	04	50
11सी	7	0	02	25
338	5	0	02	90
338	6	0	04	00
268	7ए2	0	02	50
268	7ए1	0	06	50
268	5	0	10	10
268	6ए3	0	00	70
268	6ए2	0	00	40
268	6ए1	0	00	40
268	4बी	0	08	00
268	4ए	0	02	70
268	3बी	0	05	40
268	3ए	0	02	50
268	2	0	09	00
336	1बी	0	00	40
269	6	0	03	70
269	4बी	0	09	50
269	3सी	0	02	45
269	3बी	0	03	30
269	3ए	0	02	70
269	1	0	00	65
334	1सी	0	08	75
334	1बी	0	11	50
333	2सी	0	08	10
333	2ए	0	00	40
333	2बी	0	09	50
332	1	0	03	00

	280		0	26	60
	303	7	0	00	40
	302	7	0	18	75
	302	5	0	00	40
	302	4	0	02	00
	302	3	0	02	90
	302	2बी5	0	02	30
	302	2बी3	0	02	70
	302	2बी1	0	00	40
	302	2बी2	0	02	10
	302	1बी	0	03	80
	302	1ए	0	03	50
	299	1	0	36	00
	299	2	0	03	00
	300	5	0	09	50
	300	6	0	00	40
	300	3	0	07	85
	300	2	0	9	40
	300	1	0	5	75
78.अनुष्पपट्ट - II	312	5बी	0	01	45
	312	5बी2	0	17	00
	313	5	0	01	35
	314	6ए	0	13	50
	314	2	0	7	80
	314	3	0	00	40
	314	1ए	0	06	00
	314	1बी	0	01	45
	315	2	0	04	40
	315	5	0	03	60
	315	3	0	00	45
	315	4	0	06	40
	316	8	0	08	00

316	7	0	09	40
317	1	0	00	40
296	3	0	04	20
296	1एफ़	0	00	50
296	1जी	0	11	40
296	2	0	00	40
297	6	0	07	20
297	8	0	06	85
297	7	0	03	20
300	1बी	0	02	55
299	4	0	05	20
299	2ए1	0	01	80
299	2ए2	0	05	25
299	3ए	0	08	80
299	3बी	0	00	40
299	2बी	0	05	00
459	6	0	18	75
459	3	0	08	70
457	13	0	00	40
457	14	0	00	40
457	12	0	09	00
457	8बी	0	03	45
457	8ए	0	03	15
457	5बी	0	04	90
457	6	0	00	40
457	5सी	0	00	40
457	4	0	00	40
457	5ए	0	04	80
456	15	0	02	50
456	16	0	05	00
456	14बी	0	06	85
456	12	0	01	00
456	11	0	03	30

	456	6	0	04	70
	456	8	0	03	90
	456	7	0	01	60
	456	1ए	0	00	40
	456	1बी	0	07	35
	452	6	0	14	25
	452	1बी	0	00	40
	452	2	0	19	20
	452	5	0	00	40
99. वननिपाकक्रम	188	2	0	11	70
	9	2	0	08	30
	9	3	0	10	65
	12	1	0	07	50
	11	5	0	05	60
	107		0	08	10
	108	2	0	09	40
	108	1	0	09	00
	94		0	19	80
	92		0	09	55
	136	11	0	00	45
	135	2	0	13	00
	135	6	0	00	60
	135	3ए	0	04	00
	135	1बी	0	11	50
	135	1ए	0	05	40
	134	6	0	07	80
	134	3ए	0	04	70
	134	3बी	0	04	70
	134	2	0	10	30
	133	4	0	23	00
	122	1ए	0	03	15
	122	1बी	0	00	40

	123	6	0	08	80
	123	4	0	10	10
	123	2ए	0	10	50
	123	3	0	01	70
	123	1ए	0	03	30
	123	1बी	0	05	25
	126	3ए	0	03	40
	126	2ए	0	02	20
	130	1डी	0	01	65
	130	1सी	0	02	60
	130	1ए	0	03	10
	130	1बी	0	00	55
77.आमूर - II	299	11	0	06	85
	299	12	0	00	40
	299	10	0	02	70
	299	9	0	02	35
	299	7	0	08	00
	299	6	0	04	35
	299	5	0	04	00
	299	4	0	04	00
	299	1	0	02	60
	298	3ए	0	00	40
	297	7	0	07	50
	297	2ए	0	08	10
	297	1	0	06	70
	296	2ई	0	00	60
	296	2डी	0	01	50
	296	2बी	0	00	40
	296	1	0	00	40
	307	3	0	05	50
	295	6	0	08	00
	294	3	0	05	40

294	2	0	05	00
294	1	0	10	70
235	6	0	04	70
235	5	0	03	40
235	3	0	00	85
235	4	0	13	65
235	1	0	02	00
242	3	0	15	85
242	6	0	03	45
242	5	0	06	00
242	4	0	05	55
241	11	0	03	40
244	8	0	06	50
244	9	0	05	30
244	12	0	00	40
244	11	0	01	40
244	10	0	04	20
244	2	0	07	50
244	1	0	09	70
219	16	0	01	45
219	11	0	00	40
219	12	0	04	00
219	14	0	02	20
219	13	0	04	40
219	15	0	00	50
219	7	0	08	90
219	3	0	03	45
219	2	0	03	80
219	4	0	04	00
219	5	0	02	00
217	7	0	00	40
217	8	0	10	60
217	11	0	01	10

	217	9	0	01	60
	217	10	0	04	80
	248	1	0	00	60
	250	6	0	11	35
	255	1ए	0	13	15
	252	5बी	0	08	80
	253	4	0	02	10
	253	3	0	17	00
106. जगन्नाथपुरम - II	377	3	0	15	40
	377	2	0	01	20
	377	1	0	01	00
	376	3	0	15	45
	376	2	0	02	95
	376	4	0	10	80
	376	1	0	01	30
	381	3	0	03	60
	381	2	0	07	20
	381	1	0	09	00
	382	3	0	03	90
	382	2	0	06	60
	382	6ए	0	03	00
	385	3	0	07	75
	385	2	0	04	55
	385	1	0	08	20
	386	5	0	04	70
	386	6ए	0	08	50
	386	12	0	05	55
	386	10ए	0	06	00
	355	10सी	0	11	40
	355	10बी	0	06	50
	355	10ए	0	05	10
	355	8सी	0	00	85

	355	8बी	0	02	00
	355	8ए	0	04	70
	355	1	0	07	20
	351	11ए	0	03	45
	351	11बी2	0	02	80
	351	11बी1	0	02	60
	351	10बी	0	03	10
	351	10ए	0	03	20
	351	6	0	03	00
	351	3	0	02	70
	351	4	0	02	90
	349	12	0	06	40
	349	11	0	02	50
	349	10	0	01	85
	349	9	0	03	80
	350	3ए	0	02	35
	350	3बी	0	05	25
	350	1	0	04	50
	347	6	0	04	70
	347	8	0	00	40
	347	7	0	05	50
	347	3ई	0	03	25
	347	2	0	06	75
	345	4बी	0	03	60
	345	4ए	0	03	45
	345	3	0	06	15
	345	2ए2	0	06	60
	344	5ए	0	00	70
	344	5बी	0	02	40
	344	2	0	04	50
	344	3	0	06	00
76. थचूर	300	8बी	0	05	70

300	9	0	01	55
300	8ए	0	02	50
300	2बी	0	01	00
290	1डी3	0	01	55
290	1डी2	0	03	30
290	1डी1	0	01	35
290	1सी1	0	18	40
290	1बी	0	15	90
290	1ए2	0	10	65
290	1ए1	0	02	30
286	2	0	08	25
286	1ए	0	15	70
286	1बी	0	00	90
259	6	0	11	90
259	5	0	08	00
259	3ए	0	00	40
259	2	0	01	85
261	2	0	06	30
261	1	0	05	30
256	5	0	02	40
256	6	0	09	10
256	2	0	00	40
256	7बी	0	01	00
256	7सी	0	06	75
256	1	0	00	40
255	7ए	0	05	00
255	1ई	0	02	40
255	1डी	0	02	00
255	1सी	0	04	60
255	1बी	0	04	00
255	1ए	0	03	05
253	1	0	11	50
253	2	0	00	40

252		0	30	50
242	3	0	13	15
242	2	0	00	40
242	1	0	02	20
241	2	0	16	20
241	1	0	10	10

तालुका : उथुक्कोट्टई	जिला : तिरुवल्लूर		राज्य : तमिलनाडु		
गाँव का नाम	सर्वेक्षण सं. - खण्ड सं.	उप खण्ड सं.	क्षेत्रफल		
			हेक्टेर	एयर	वर्ग मीटर
1	2	3	4	5	6
93. कोट्टाकुप्पम	14	1बी	0	01	85
	14	1ए	0	16	00
	15		0	17	10
	17	2	0	03	50
	17	1	0	12	30
	16	1ए	0	01	00
	64		0	07	50
	62	1	0	00	70
	63		0	17	10
	60	1	0	13	30
	58	1ए1	0	03	20
	57	1	0	05	10
	57	2	0	14	20
	76	2	0	23	10
	76	1	0	00	40
	45	2डी	0	03	00
94. अन्नदानाकावक्कम	145		0	06	10
	146		0	02	90
	144	2	0	02	00
	143	3बी	0	09	80
	143	3ए2	0	09	90
	143	2सी	0	00	95
	143	2बी	0	00	40
	149	1	0	00	60

	150		0	17	00
	159	1	0	09	40
	158	2	0	07	60
	161	2	0	18	00
	161	1बी2	0	00	40
	174	1ए	0	03	80
	174	1बी	0	00	40
	173	1ए	0	02	00
	173	1बी	0	04	10
	173	2	0	09	00
	177	2	0	00	40
	177	1	0	14	30
	178	1बी2	0	01	80
	191	1बी	0	15	40
	196	1बी	0	07	30
	196	1ए	0	08	00
	197		0	00	40
	207	1ए1	0	06	00
	206		0	13	45
95. मदविलगम	47	5	0	07	30
	47	6	0	01	85
	47	4बी1	0	04	65
	47	4बी2	0	03	50
	47	4ए	0	03	10
	47	3	0	10	45
	47	2	0	03	95
	76	1	0	15	50
	77	1	0	05	40
	68	1	0	09	20
	68	2	0	14	20
	79	2	0	01	15
	67		0	07	65
	85	1	0	09	00

85	2	0	11	00
86	2	0	07	60
86	1	0	01	70
86	3	0	07	00
86	4	0	02	55
87		0	01	80
88	2	0	14	80
88	3	0	21	20
107		0	00	40
96	1	0	11	35
96	2	0	18	00
308		0	33	30

तालुका : तिरुवल्लूर	जिला : तिरुवल्लूर		राज्य : तमिलनाडु		
गाँव का नाम	सर्वेक्षणसं.- खण्डसं.	उपखण्डसं.	क्षेत्रफल		
			हेक्टेर	एयर	वर्गमीटर
1	2	3	4	5	6
39.अयलचेरी	3	3	0	21	30
	4	1	0	12	80
	4	4	0	00	40
	4	2ए	0	03	60
	4	2बी	0	07	45
	4	3	0	13	50
	33	4बी	0	06	25
	33	3बी	0	00	40
	32	2ए	0	03	00
	32	1	0	09	90
	32	2बी	0	01	90
	32	4	0	04	40
	18		0	01	00
	31	1	0	08	10
	31	3	0	01	20
	31	2	0	08	10
	31	7	0	04	70
	30	1	0	04	75
	20	2	0	04	30

20	3वी	0	02	20
20	3सी	0	07	60

[फा. सं. आर-25011/10/2014-ओआर-I (पार्ट-II)]

पवन कुमार, अवर सचिव

New Delhi, the 3rd October, 2017

S.O. 2390.—Whereas, by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.No.905(E) dated: 20-03-2015 issued under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (herein after referred to as the said Act) the Central Government declared its intention to acquire the Right of User in the Lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of Liquefied Petroleum Gas from Ennore to Madurai (Via) Chengalpattu, Pondicherry (UT) Trichy in the State of Tamil Nadu, a pipeline should be laid by the Indian Oil Corporation Limited, for implementing the Ennore – Trichy – Madurai Pipeline Project.

And whereas, copies of the said notifications were made available to the public from 08.04.2015.

And whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the Right of User in the Land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the Right of User in the said Land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the Right of User in the said Land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

Indian Oil Corporation Limited shall be exclusively liable for any compensation in terms of section 10 of the P & M P Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government on any matter relating to pipeline.

SCHEDULE

Taluk : Ponneri	District : Tiruvallur		State : Tamil Nadu		
Name of the Village	Survey No.	Sub Division No.	Area		
			Hectare	Are	Square Meter
1	2	3	4	5	6
140. Neithavoyal - II	10	2A2	0	00	40
	9	3	0	00	40
	9	2	0	00	60
	9	1	0	30	00
	7	1	0	10	10
	8		0	05	40
	22		0	15	70
	27		0	42	50
	26	1	0	06	20

	84	3	0	03	40
	84	2	0	03	20
	84	1	0	02	85
	85	2A2	0	05	80
	85	2A1	0	03	25
	85	1	0	00	50
	540	2	0	00	40
	540	1	0	03	50
	891		0	02	45
	541		0	10	30
	542A		0	01	60
	544		0	07	90
	549		0	20	00
	550		0	06	30
	553	2	0	07	50
	553	1	0	14	00
	554		0	09	65
	589	2	0	02	20
	589	3	0	22	20
	586		0	25	25
	603		0	13	00
	585		0	11	60
	583	2	0	21	20
	583	1	0	12	50
	582	1	0	07	50
	582	2	0	09	15
	832	4A	0	03	80
	832	4B	0	01	54
92. Vayalore - II	2049	7	0	57	60
	2049	6	0	09	90
	1456		0	18	80
	1457		0	18	00
	1400		0	00	85
	1394	2	0	02	20
	1394	1	0	03	20
	1392	2	0	07	20
	1391	2	0	14	25
	1383		0	15	00
	1384		0	09	60

139.Kalpakkam	150		0	18	00
	149	2A	0	03	00
	148	2A	0	00	70
	148	2B	0	06	25
	148	1	0	06	20
	147	2	0	03	60
	147	1C	0	08	50
	147	1B	0	01	80
	142	2	0	01	20
	142	3	0	06	60
	142	1B	0	04	30
	142	1A	0	05	90
	135	1B	0	00	40
	135	1A	0	03	40
	141	2	0	07	20
	141	1	0	04	35
	105	1C	0	00	40
	75	2B	0	04	50
	75	2A	0	04	50
	75	1B2	0	00	40
	75	1B1	0	05	20
	75	1A	0	03	40
	139		0	00	45
	72	5A	0	04	50
	72	5B	0	01	10
	72	3A	0	00	40
	72	4	0	03	70
	71	2C	0	04	30
	220	2B	0	00	40
	220	2A	0	03	90
	220	1B	0	07	85
	220	1A	0	01	85
	222	1	0	02	10
96.Thottakadu	48	1C	0	11	25
	48	1B	0	16	65
	48	1A	0	06	80
	48	2A	0	00	70
	49	3	0	00	80

	49	2	0	10	80
	49	1	0	9	90
	50		0	8	85
97.Vellappakkam	3	2	0	03	10
	2	3	0	00	40
	1	3	0	09	70
	1	2	0	01	10
	1	1	0	17	60
	18		0	14	40
	17	2	0	12	80
	17	1	0	07	10
	52	2	0	04	40
	52	1	0	05	50
	53	1	0	12	90
	54	9A	0	05	20
	54	9B	0	00	60
	54	6B	0	00	40
	54	7	0	04	90
	54	8	0	00	40
	54	6C	0	02	60
	59	15	0	01	80
	59	14B	0	01	45
	59	14A	0	00	85
	46		0	01	95
	44	3B	0	08	40
	44	3A	0	00	40
	44	1	0	06	70
	45	1	0	02	15
	43	2B	0	01	95
	43	2A	0	00	55
	40	2	0	06	70
	40	1	0	09	50
	41	5	0	07	00
98.Nalur - I	6	5	0	00	40
	6	4	0	04	30
	6	3C	0	02	90
	6	3B	0	01	65
	6	3A	0	02	25

6	1B1	0	00	40
6	1B2	0	10	40
6	1A3	0	00	40
6	2A	0	02	40
6	1A2B	0	00	40
7	1B2	0	05	50
7	1B3	0	03	20
7	1A1	0	04	00
7	1B1	0	00	45
7	1A2	0	00	40
7	1A3	0	00	40
8A	5B	0	11	70
8A	5A	0	02	00
8A	2A	0	00	40
8A	2B	0	04	20
8A	3A2B	0	01	80
8A	3A2A	0	05	40
8B	1	0	03	80
11C	11	0	00	40
11C	8	0	08	00
11C	9	0	01	00
11C	3	0	03	85
11C	4B	0	04	65
11C	5	0	04	85
11C	6	0	04	50
11C	7	0	02	25
338	5	0	02	90
338	6	0	04	00
268	7A2	0	02	50
268	7A1	0	06	50
268	5	0	10	10
268	6A3	0	00	70
268	6A2	0	00	40
268	6A1	0	00	40
268	4B	0	08	00
268	4A	0	02	70
268	3B	0	05	40
268	3A	0	02	50
268	2	0	09	00

	336	1B	0	00	40
	269	6	0	03	70
	269	4B	0	09	50
	269	3C	0	02	45
	269	3B	0	03	30
	269	3A	0	02	70
	269	1	0	00	65
	334	1C	0	08	75
	334	1B	0	11	50
	333	2C	0	08	10
	333	2A	0	00	40
	333	2B	0	09	50
	332	1	0	03	00
	280		0	26	60
	303	7	0	00	40
	302	7	0	18	75
	302	5	0	00	40
	302	4	0	02	00
	302	3	0	02	90
	302	2B5	0	02	30
	302	2B3	0	02	70
	302	2B1	0	00	40
	302	2B2	0	02	10
	302	1B	0	03	80
	302	1A	0	03	50
	299	1	0	36	00
	299	2	0	03	00
	300	5	0	09	50
	300	6	0	00	40
	300	3	0	07	85
	300	2	0	9	40
	300	1	0	5	75
78.Anuppampattu- II	312	5B	0	01	45
	312	5A2	0	17	00
	313	5	0	01	35
	314	6A	0	13	50
	314	2	0	7	80
	314	3	0	00	40
	314	1A	0	06	00

314	1B	0	01	45
315	2	0	04	40
315	5	0	03	60
315	3	0	00	45
315	4	0	06	40
316	8	0	08	00
316	7	0	09	40
317	1	0	00	40
296	3	0	04	20
296	1F	0	00	50
296	1G	0	11	40
296	2	0	00	40
297	6	0	07	20
297	8	0	06	85
297	7	0	03	20
300	1B	0	02	55
299	4	0	05	20
299	2A1	0	01	80
299	2A2	0	05	25
299	3A	0	08	80
299	3B	0	00	40
299	2B	0	05	00
459	6	0	18	75
459	3	0	08	70
457	13	0	00	40
457	14	0	00	40
457	12	0	09	00
457	8B	0	03	45
457	8A	0	03	15
457	5B	0	04	90
457	6	0	00	40
457	5C	0	00	40
457	4	0	00	40
457	5A	0	04	80
456	15	0	02	50
456	16	0	05	00
456	14B	0	06	85
456	12	0	01	00
456	11	0	03	30

	456	6	0	04	70
	456	8	0	03	90
	456	7	0	01	60
	456	1A	0	00	40
	456	1B	0	07	35
	452	6	0	14	25
	452	1B	0	00	40
	452	2	0	19	20
	452	5	0	00	40
99.Vannipakkam	188	2	0	11	70
	9	2	0	08	30
	9	3	0	10	65
	12	1	0	07	50
	11	5	0	05	60
	107		0	08	10
	108	2	0	09	40
	108	1	0	09	00
	94		0	19	80
	92		0	09	55
	136	11	0	00	45
	135	2	0	13	00
	135	6	0	00	60
	135	3A	0	04	00
	135	1B	0	11	50
	135	1A	0	05	40
	134	6	0	07	80
	134	3A	0	04	70
	134	3B	0	04	70
	134	2	0	10	30
	133	4	0	23	00
	122	1A	0	03	15
	122	1B	0	00	40
	123	6	0	08	80
	123	4	0	10	10
	123	2A	0	10	50
	123	3	0	01	70
	123	1A	0	03	30
	123	1B	0	05	25
	126	3A	0	03	40

	126	2A	0	02	20
	130	1D	0	01	65
	130	1C	0	02	60
	130	1A	0	03	10
	130	1B	0	00	55
77.Amur - II	299	11	0	06	85
	299	12	0	00	40
	299	10	0	02	70
	299	9	0	02	35
	299	7	0	08	00
	299	6	0	04	35
	299	5	0	04	00
	299	4	0	04	00
	299	1	0	02	60
	298	3A	0	00	40
	297	7	0	07	50
	297	2A	0	08	10
	297	1	0	06	70
	296	2E	0	00	60
	296	2D	0	01	50
	296	2B	0	00	40
	296	1	0	00	40
	307	3	0	05	50
	295	6	0	08	00
	294	3	0	05	40
	294	2	0	05	00
	294	1	0	10	70
	235	6	0	04	70
	235	5	0	03	40
	235	3	0	00	85
	235	4	0	13	65
	235	1	0	02	00
	242	3	0	15	85
	242	6	0	03	45
	242	5	0	06	00
	242	4	0	05	55
	241	11	0	03	40
	244	8	0	06	50
	244	9	0	05	30

	244	12	0	00	40
	244	11	0	01	40
	244	10	0	04	20
	244	2	0	07	50
	244	1	0	09	70
	219	16	0	01	45
	219	11	0	00	40
	219	12	0	04	00
	219	14	0	02	20
	219	13	0	04	40
	219	15	0	00	50
	219	7	0	08	90
	219	3	0	03	45
	219	2	0	03	80
	219	4	0	04	00
	219	5	0	02	00
	217	7	0	00	40
	217	8	0	10	60
	217	11	0	01	10
	217	9	0	01	60
	217	10	0	04	80
	248	1	0	00	60
	250	6	0	11	35
	255	1A	0	13	15
	252	5B	0	08	80
	253	4	0	02	10
	253	3	0	17	00
106. Jaganathapuram-II	377	3	0	15	40
	377	2	0	01	20
	377	1	0	01	00
	376	3	0	15	45
	376	2	0	02	95
	376	4	0	10	80
	376	1	0	01	30
	381	3	0	03	60
	381	2	0	07	20
	381	1	0	09	00
	382	3	0	03	90
	382	2	0	06	60

382	6A	0	03	00
385	3	0	07	75
385	2	0	04	55
385	1	0	08	20
386	5	0	04	70
386	6A	0	08	50
386	12	0	05	55
386	10A	0	06	00
355	10C	0	11	40
355	10B	0	06	50
355	10A	0	05	10
355	8C	0	00	85
355	8B	0	02	00
355	8A	0	04	70
355	1	0	07	20
351	11A	0	03	45
351	11B2	0	02	80
351	11B1	0	02	60
351	10B	0	03	10
351	10A	0	03	20
351	6	0	03	00
351	3	0	02	70
351	4	0	02	90
349	12	0	06	40
349	11	0	02	50
349	10	0	01	85
349	9	0	03	80
350	3A	0	02	35
350	3B	0	05	25
350	1	0	04	50
347	6	0	04	70
347	8	0	00	40
347	7	0	05	50
347	3E	0	03	25
347	2	0	06	75
345	4B	0	03	60
345	4A	0	03	45
345	3	0	06	15
345	2A2	0	06	60

	344	5A	0	00	70
	344	5B	0	02	40
	344	2	0	04	50
	344	3	0	06	00
76. Thachur	300	8B	0	05	70
	300	9	0	01	55
	300	8A	0	02	50
	300	2B	0	01	00
	290	1D3	0	01	55
	290	1D2	0	03	30
	290	1D1	0	01	35
	290	1C1	0	18	40
	290	1B	0	15	90
	290	1A2	0	10	65
	290	1A1	0	02	30
	286	2	0	08	25
	286	1A	0	15	70
	286	1B	0	00	90
	259	6	0	11	90
	259	5	0	08	00
	259	3A	0	00	40
	259	2	0	01	85
	261	2	0	06	30
	261	1	0	05	30
	256	5	0	02	40
	256	6	0	09	10
	256	2	0	00	40
	256	7B	0	01	00
	256	7C	0	06	75
	256	1	0	00	40
	255	7A	0	05	00
	255	1E	0	02	40
	255	1D	0	02	00
	255	1C	0	04	60
	255	1B	0	04	00
	255	1A	0	03	05
	253	1	0	11	50
	253	2	0	00	40
	252		0	30	50

242	3	0	13	15
242	2	0	00	40
242	1	0	02	20
241	2	0	16	20
241	1	0	10	10

Taluk : Uthukkottai	District : Tiruvallur		State : Tamil Nadu		
Name of the Village	Survey No.	Sub Division No.	Area		
			Hectare	Are	Square Meter
1	2	3	4	5	6
93. Kottakuppam	14	1B	0	01	85
	14	1A	0	16	00
	15		0	17	10
	17	2	0	03	50
	17	1	0	12	30
	16	1A	0	01	00
	64		0	07	50
	62	1	0	00	70
	63		0	17	10
	60	1	0	13	30
	58	1A1	0	03	20
	57	1	0	05	10
	57	2	0	14	20
	76	2	0	23	10
	76	1	0	00	40
	45	2D	0	03	00
94. Annadanakavakkam	145		0	06	10
	146		0	02	90
	144	2	0	02	00
	143	3B	0	09	80
	143	3A2	0	09	90
	143	2C	0	00	95
	143	2B	0	00	40
	149	1	0	00	60
	150		0	17	00
	159	1	0	09	40
	158	2	0	07	60
	161	2	0	18	00

	161	1B2	0	00	40
	174	1A	0	03	80
	174	1B	0	00	40
	173	1A	0	02	00
	173	1B	0	04	10
	173	2	0	09	00
	177	2	0	00	40
	177	1	0	14	30
	178	1B2	0	01	80
	191	1B	0	15	40
	196	1B	0	07	30
	196	1A	0	08	00
	197		0	00	40
	207	1A1	0	06	00
	206		0	13	45
95. Madavilagam	47	5	0	07	30
	47	6	0	01	85
	47	4B1	0	04	65
	47	4B2	0	03	50
	47	4A	0	03	10
	47	3	0	10	45
	47	2	0	03	95
	76	1	0	15	50
	77	1	0	05	40
	68	1	0	09	20
	68	2	0	14	20
	79	2	0	01	15
	67		0	07	65
	85	1	0	09	00
	85	2	0	11	00
	86	2	0	07	60
	86	1	0	01	70
	86	3	0	07	00
	86	4	0	02	55
	87		0	01	80
	88	2	0	14	80
	88	3	0	21	20
	107		0	00	40

96	1	0	11	35
96	2	0	18	00
308		0	33	30

Taluk : Tiruvallur	District : Tiruvallur		State : Tamil Nadu		
Name of the Village	Survey No.	Sub Division No.	Area		
			Hectare	Are	Square Meter
1	2	3	4	5	6
39. Ayalcheri	3	3	0	21	30
	4	1	0	12	80
	4	4	0	00	40
	4	2A	0	03	60
	4	2B	0	07	45
	4	3	0	13	50
	33	4B	0	06	25
	33	3B	0	00	40
	32	2A	0	03	00
	32	1	0	09	90
	32	2B	0	01	90
	32	4	0	04	40
	18		0	01	00
	31	1	0	08	10
	31	3	0	01	20
	31	2	0	08	10
	31	7	0	04	70
	30	1	0	04	75
	20	2	0	04	30
	20	3B	0	02	20
	20	3C	0	07	60

[F. No. R-25011/10/2014-OR-I (Pt.-II)]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 3 अक्टूबर, 2017

का.आ. 2391.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962, (1962 का 50), की धारा 2 के खंड (क) के अनुसरण में और पेट्रोलियम एवं प्रकृतिक गैस मंत्रालय, भारत सरकार के 16 मई, 2014 के का.आ. 1310(अ) की अधिसूचना के संशोधन में उक्त अधिनियम के अधीन उत्तर प्रदेश राज्य के राज्यक्षेत्र के भीतर हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड की रेवाड़ी कानपुर पाइपलाइन परियोजना के लिए सक्षम प्राधिकारी के कार्यों का निर्वहन करने के लिए श्री बाबूलाल, डिप्टी कलेक्टर/ए.सी.एम. तृतीय, उत्तर प्रदेश सरकार को प्राधिकृत करती है। यह अधिसूचना सक्षम अधिकारी के कार्यभार ग्रहण करने की दिनांक अर्थात् 21.09.2017 से लागू है।

[फा. सं. आर-31015/07/2011-ओआर-II/15210]

पवन कुमार, अवर सचिव

New Delhi, the 3rd October, 2017

S.O. 2391.—In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962) and in modification of Notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No 1310(E) dated the 16th May, 2014, the Central Government hereby authorizes Shri Babulal, Deputy Collector/ACM-3 Kanpur, Government of Uttar Pradesh to perform the functions of Competent Authority for HPCL's Rewari Kanpur Pipeline Project under the said Act, within the territory of Uttar Pradesh State. This Notification is applicable from the date of joining as Competent Authority, i.e. 21.09.2017.

[F. No. R-31015/07/2011-OR-II/15210]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 4 अक्टूबर, 2017

का.आ. 2392.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 उप धारा (1) के अधीन जारी की गई, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना जिसका प्रकाशन भारत के राजपत्र संख्या 1884 दिनांक 27.7.2016 का.आ संख्या 2544(अ) दिनांक 20.07.2016, भाग II, खण्ड 3, उपखण्ड (ii) में किया गया है। इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट राजस्थान राज्य की तहसील नीमराना जिला अलवर की भूमि में, राजस्थान राज्य में जयपुर से हरियाणा राज्य में पानीपत तक पेट्रोलियम नेफ्था के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा क्रियान्वित किए जा रहे “जयपुर पानीपत नेफ्था पाइपलाइन परियोजना” के सम्बन्ध में पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के लिए अपने आशय की घोषणा की थी :

और उक्त राजपत्र अधिसूचनाओं की प्रतियां जनता को तारीख 02.03.2017 तक उपलब्ध करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है :

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार अर्जित किया जाए:

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाय सभी विल्लंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 की धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड पूर्णतया उत्तरदायी होगी और पाइपलाइन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

तहसील : नीमराना

जिला : अलवर

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
बाटखानी	192	00	06	91
	187	00	07	18
	188	00	01	29
	186	00	06	24
	163	00	05	89
	156	00	02	90
	165	00	02	80
	154	00	06	58
	133	00	04	32
	138	00	08	39
	140	00	07	97
	36	00	05	85
	37	00	05	92
	40	00	01	55
	51	00	06	15
	Total	00	79	94
जनकसिंहपुरा	237	00	08	09
	235	00	03	55
	236	00	07	64
	229	00	00	95
	228	00	05	15
	227	00	00	87
	222	00	00	51
	226	00	04	08
	165	00	07	98
	199	00	09	54
	198	00	08	65
	171	00	08	15
	188/339	00	07	10
	188	00	04	38
	178	00	10	33
	181	00	11	28
	184	00	00	50
	184/382	00	02	87
	183	00	07	07
	152	00	00	31
	Total	01	09	00

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
बेलनी	488	00	00	70
	484	00	07	66
	487	00	07	97
	343	00	03	31
	344/517	00	00	58
	344	00	07	24
	345	00	06	66
	339	00	00	05
	328/530	00	03	85
	330	00	12	84
	330/531	00	02	80
	284	00	03	95
	283	00	00	44
	282	00	03	91
	281	00	13	23
	270	00	08	72
	271	00	00	25
	268	00	15	96
	266	00	00	02
	261	00	09	91
	257	00	09	29
	Total	01	19	34
शाहजहांपुर	580	00	08	00
	572	00	06	10
	123	00	15	76
	124	00	02	00
	122	00	09	02
	121	00	14	34
	102	00	01	15
	103	00	04	66
	104	00	00	86
	100	00	01	86
	99	00	00	18
	98	00	05	88
	81	00	09	22
	82	00	01	31
	78	00	09	43
	26	00	09	97
	16	00	01	91

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	15	00	04	44
	14	00	02	78
	19	00	07	27
	Total	01	16	14
सांसेड़ी	1032	00	04	63
	1031	00	01	59
	1034	00	05	40
	1035	00	04	16
	1036	00	03	63
	1074	00	00	45
	1041	00	02	60
	1042	00	02	91
	1040	00	04	96
	1044	00	00	51
	969	00	02	49
	968	00	03	42
	967	00	05	60
	933	00	02	09
	935	00	05	53
	936	00	02	23
	938	00	00	89
	937	00	02	17
	889	00	02	27
	841	00	06	99
	842	00	02	70
	843	00	00	79
	836	00	00	75
	846	00	03	66
	847	00	04	78
	848	00	08	84
	849	00	00	21
	734	00	06	99
	747	00	01	15
	737	00	04	86
	736	00	02	85
	722	00	03	74
	709	00	04	07
	710	00	04	18
	695	00	03	44
	697	00	01	85

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	685	00	01	01
	698	00	01	75
	684	00	01	10
	680	00	04	51
	669	00	04	41
	670	00	00	20
	659	00	03	65
	654	00	03	09
	649	00	03	22
	645	00	03	27
	507	00	03	14
	505	00	03	51
	504	00	03	34
	502	00	03	15
	503	00	00	84
	Total	01	59	57
जोनायचा खुर्द	1242	00	01	82
	1241	00	01	84
	1240	00	13	15
	154	00	04	55
	153	00	02	50
	150	00	00	45
	161	00	05	65
	162	00	02	87
	163	00	03	20
	165	00	05	03
	166/1895	00	01	62
	170	00	04	83
	169	00	08	73
	118	00	01	24
	119	00	09	47
	120	00	04	21
	18	00	00	13
	19	00	00	35
	20	00	00	50
	21	00	04	83
	22	00	01	77
	23	00	01	44
	24	00	00	65
	25	00	06	95

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	Total	00	87	78
सिरयानी	661	00	05	39
	662	00	05	04
	652	00	03	72
	656	00	00	08
	651	00	00	17
	653	00	04	27
	650	00	04	72
	642	00	03	59
	641	00	02	59
	640	00	02	11
	Total	00	31	68
गूगल कोट	15	00	05	28
	9	00	05	94
	8	00	09	82
	2	00	02	06
	1	00	01	11
	Total	00	24	21
कांकर	1097	00	06	93
	1098	00	01	22
	1104	00	06	68
	1103	00	05	30
	1102	00	05	80
	1112	00	10	50
	1110	00	00	87
	1110/1742	00	00	62
	1115	00	18	85
	352	00	05	07
	353	00	08	34
	836	00	04	21
	835	00	04	04
	523	00	07	23
	531	00	06	01
	530	00	05	60
	543	00	00	37
	544	00	04	49
	550	00	05	54

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	549	00	01	50
	594	00	08	35
	593	00	04	82
	592	00	04	27
	588	00	04	28
	585	00	00	79
	584	00	04	05
	580	00	04	54
	577	00	08	04
	572	00	07	73
	574	00	00	04
	571	00	01	05
	570	00	08	66
	Total	01	65	79

[फा. सं. आर-25011/1/2016-ओआर-I (पार्ट-II)]

पवन कुमार, अवर सचिव

New Delhi, the 4th October, 2017

S.O. 2392.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, published in the Gazette No. 1884 dated 27.7.2016, S.O. No. 2544(E) dated 20.07.2016, Part-II, section 3, sub-section(ii) issued under sub-section (1) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act) the Central Government declared its intention to acquire the right of user in the land situated in Tehsil Neemrana District Alwar in Rajasthan State, specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum Naphtha from Jaipur in the State of Rajasthan to Panipat in the State of Haryana by the Indian Oil Corporation Limited for implementing the "Jaipur Panipat Naphtha Pipeline Project".

And whereas the copies of the said Gazette notification were made available to the public on 02.03.2017.

And whereas the Competent Authority has under sub-section(1) of section 6 of the said Act, has submitted his report of Central Government.

And whereas, the Central Government after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of the user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user of the said land for laying the pipeline shall, instead of vesting in the Central Government, vests on the date of publication of the declaration, in India Oil Corporation Limited, free from all encumbrances.

India Oil Corporation Limited shall be exclusively liable for any compensation in terms of section 10 of the P & MP Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government on any matter relating to pipeline.

SCHEDULE

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
Bathkhani	192	00	06	91
	187	00	07	18
	188	00	01	29
	186	00	06	24
	163	00	05	89
	156	00	02	90
	165	00	02	80
	154	00	06	58
	133	00	04	32
	138	00	08	39
	140	00	07	97
	36	00	05	85
	37	00	05	92
	40	00	01	55
	51	00	06	15
	Total	00	79	94
Janaksinghpura	237	00	08	09
	235	00	03	55
	236	00	07	64
	229	00	00	95
	228	00	05	15
	227	00	00	87
	222	00	00	51
	226	00	04	08
	165	00	07	98
	199	00	09	54
	198	00	08	65
	171	00	08	15
	188/339	00	07	10
	188	00	04	38
	178	00	10	33
	181	00	11	28
	184	00	00	50
	184/382	00	02	87
	183	00	07	07

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	152	00	00	31
	Total	01	09	00
Belani	488	00	00	70
	484	00	07	66
	487	00	07	97
	343	00	03	31
	344/517	00	00	58
	344	00	07	24
	345	00	06	66
	339	00	00	05
	328/530	00	03	85
	330	00	12	84
	330/531	00	02	80
	284	00	03	95
	283	00	00	44
	282	00	03	91
	281	00	13	23
	270	00	08	72
	271	00	00	25
	268	00	15	96
	266	00	00	02
	261	00	09	91
	257	00	09	29
	Total	01	19	34
Shahajahanpur	580	00	08	00
	572	00	06	10
	123	00	15	76
	124	00	02	00
	122	00	09	02
	121	00	14	34
	102	00	01	15
	103	00	04	66
	104	00	00	86
	100	00	01	86
	99	00	00	18
	98	00	05	88

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	81	00	09	22
	82	00	01	31
	78	00	09	43
	26	00	09	97
	16	00	01	91
	15	00	04	44
	14	00	02	78
	19	00	07	27
	Total	01	16	14
Sasedi	1032	00	04	63
	1031	00	01	59
	1034	00	05	40
	1035	00	04	16
	1036	00	03	63
	1074	00	00	45
	1041	00	02	60
	1042	00	02	91
	1040	00	04	96
	1044	00	00	51
	969	00	02	49
	968	00	03	42
	967	00	05	60
	933	00	02	09
	935	00	05	53
	936	00	02	23
	938	00	00	89
	937	00	02	17
	889	00	02	27
	841	00	06	99
	842	00	02	70
	843	00	00	79
	836	00	00	75
	846	00	03	66
	847	00	04	78
	848	00	08	84
	849	00	00	21

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	734	00	06	99
	747	00	01	15
	737	00	04	86
	736	00	02	85
	722	00	03	74
	709	00	04	07
	710	00	04	18
	695	00	03	44
	697	00	01	85
	685	00	01	01
	698	00	01	75
	684	00	01	10
	680	00	04	51
	669	00	04	41
	670	00	00	20
	659	00	03	65
	654	00	03	09
	649	00	03	22
	645	00	03	27
	507	00	03	14
	505	00	03	51
	504	00	03	34
	502	00	03	15
	503	00	00	84
	Total	01	59	57
Jonaycha Khurd	1242	00	01	82
	1241	00	01	84
	1240	00	13	15
	154	00	04	55
	153	00	02	50
	150	00	00	45
	161	00	05	65
	162	00	02	87
	163	00	03	20
	165	00	05	03
	166/1895	00	01	62

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	170	00	04	83
	169	00	08	73
	118	00	01	24
	119	00	09	47
	120	00	04	21
	18	00	00	13
	19	00	00	35
	20	00	00	50
	21	00	04	83
	22	00	01	77
	23	00	01	44
	24	00	00	65
	25	00	06	95
	Total	00	87	78
Siryani	661	00	05	39
	662	00	05	04
	652	00	03	72
	656	00	00	08
	651	00	00	17
	653	00	04	27
	650	00	04	72
	642	00	03	59
	641	00	02	59
	640	00	02	11
	Total	00	31	68
Googal Kota	15	00	05	28
	9	00	05	94
	8	00	09	82
	2	00	02	06
	1	00	01	11
	Total	00	24	21
Kankar	1097	00	06	93
	1098	00	01	22
	1104	00	06	68
	1103	00	05	30
	1102	00	05	80

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	1112	00	10	50
	1110	00	00	87
	1110/1742	00	00	62
	1115	00	18	85
	352	00	05	07
	353	00	08	34
	836	00	04	21
	835	00	04	04
	523	00	07	23
	531	00	06	01
	530	00	05	60
	543	00	00	37
	544	00	04	49
	550	00	05	54
	549	00	01	50
	594	00	08	35
	593	00	04	82
	592	00	04	27
	588	00	04	28
	585	00	00	79
	584	00	04	05
	580	00	04	54
	577	00	08	04
	572	00	07	73
	574	00	00	04
	571	00	01	05
	570	00	08	66
	Total	01	65	79

[F. No. R-25011/1/2016-OR-I (Pt.-II)]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 4 अक्टूबर, 2017

का.आ. 2393.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 उप धारा (1) के अधीन जारी की गई, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना जिसका प्रकाशन भारत के राजपत्र संख्या 2787 दिनांक 25.11.2016 का.आ. संख्या 3563(अ) दिनांक 22.11.2016, भाग II, खण्ड 3, उपखण्ड (ii) में किया गया है। इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट राजस्थान राज्य की तहसील बहरोड़, जिला अलवर की भूमि में, राजस्थान राज्य में जयपुर से हरियाणा राज्य में पानीपत तक पेट्रोलियम नेफ्था के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा

क्रियान्वित किए जा रहे “जयपुर पानीपत नेप्था पाइपलाइन परियोजना” के सम्बन्ध में पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के लिए अपने आशय की घोषणा की थी :

और उक्त राजपत्र अधिसूचनाओं की प्रतियां जनता को तारीख 02.03.2017 तक उपलब्ध करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है :

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद् द्वारा घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार अर्जित किया जाए:

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए सभी विल्लंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 की धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड पूर्णतया उत्तरदायी होगी और पाइपलाइन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

तहसील : बहरोड

जिला : अलवर

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
शिमला	266	00	08	80
	278	00	03	17
	279	00	03	44
	281	00	02	54
	282	00	02	51
	290	00	05	26
	196	00	01	26
	195	00	02	71
	193	00	09	31
	60	00	00	32
	61	00	11	57
	65	00	19	01
	71	00	13	63
	70/432	00	08	00
	75	00	09	19
	76	00	00	47
	Total	01	01	19
गोकुलपुर	627	00	08	17

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	626	00	07	97
	624	00	06	53
	623	00	04	59
	622	00	00	67
	621	00	05	86
	641	00	00	20
	647	00	05	57
	646	00	02	54
	645	00	07	20
	644	00	04	12
	662	00	05	01
	652/760	00	01	34
	658/739	00	00	92
	657	00	05	73
	653	00	03	02
	198	00	00	51
	197	00	03	30
	196	00	03	43
	194	00	03	28
	Total	00	79	96
जागुवास	98	00	05	68
	93	00	06	55
	90	00	01	86
	90/953	00	00	65
	89	00	03	82
	88	00	05	87
	82	00	05	06
	83	00	01	03
	81	00	03	26
	84	00	00	03
	79/931	00	01	21

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	78	00	11	81
	74	00	04	12
	61	00	04	16
	63	00	00	97
	64	00	03	43
	65	00	03	67
	66	00	03	29
	67	00	06	76
	68	00	05	79
	Total	00	79	02
कल्याणपुरा	503	00	04	74
	506	00	00	19
	508	00	03	10
	501	00	04	16
	500	00	09	99
	494	00	04	35
	493	00	00	23
	492	00	04	55
	491	00	03	85
	490	00	00	05
	542	00	03	29
	539	00	07	28
	536	00	06	25
	537	00	01	72
	533	00	05	59
	533/705	00	02	00
	532	00	00	27
	571	00	02	83
	525	00	08	90
	524	00	03	39

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	523	00	03	29
	522/685	00	01	00
	522	00	01	60
	586	00	01	60
	587	00	06	85
	589	00	01	57
	588	00	02	89
	591	00	03	77
	618	00	05	45
	600	00	05	11
	599	00	06	43
	603	00	03	71
	Total	01	20	00
नागला रुंध	293	00	00	97
	286	00	03	58
	287	00	03	09
	222	00	06	98
	221	00	00	06
	224	00	04	96
	232	00	05	22
	231	00	05	49
	235	00	02	79
	230	00	00	05
	236	00	01	50
	237	00	02	62
	238	00	05	52
	239	00	01	35
	245	00	06	21
	279	00	00	11
	246	00	00	98

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	278	00	02	04
	315/424	00	00	30
	315/425	00	05	98
	315/426	00	06	95
	315/427	00	07	70
	317	00	09	10
	78	00	04	39
	77	00	23	47
	76	00	01	96
	74	00	25	99
	42	00	25	35
	71	00	01	20
	43	00	02	07
	44	00	08	48
	62	00	16	12
	61	00	01	36
	46	00	22	76
	47	00	23	79
	48	00	05	01
	53	00	21	64
	52	00	02	54
	Total	02	69	68
हमजापुर	1324	00	02	92
	1326	00	05	48
	1314	00	05	43
	1311	00	04	62
	1310	00	05	15
	Total	00	23	60

[फा. सं. आर-25011/1/2016-ओआर-I (पार्ट-II)]

पवन कुमार, अवर सचिव

New Delhi, the 4th October, 2017

S.O. 2393.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, published in the Gazette No. 2787 dated 25.11.2016 S.O. No. 3563(E) dated 22.11.2016 Part-II, section 3, sub-section(ii) issued under sub-section (1) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act) the Central Government declared its intention to acquire the right of user in the land situated in Tehsil Behror District Alwar in Rajasthan State, specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum Naphtha from Jaipur in the State of Rajasthan to Panipat in the State of Haryana by the Indian Oil Corporation Limited for implementing the "Jaipur Panipat Naphtha Pipeline Project".

And whereas the copies of the said Gazette notification were made available to the public on 02.03.2017.

And whereas the Competent Authority has under sub-section(1) of section 6 of the said Act, has submitted his report of Central Government.

And whereas, the Central Government after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of the user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user of the said land for laying the pipeline shall, instead of vesting in the Central Government, vests on the date of publication of the declaration, in India Oil Corporation Limited, free from all encumbrances.

India Oil Corporation Limited shall be exclusively liable for any compensation in terms of section 10 of the P & MP Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government on any matter relating to pipeline.

SCHEDULE

Tehsil : Behror

District : Alwar

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
Simla	266	00	08	80
	278	00	03	17
	279	00	03	44
	281	00	02	54
	282	00	02	51
	290	00	05	26
	196	00	01	26
	195	00	02	71
	193	00	09	31
	60	00	00	32
	61	00	11	57
	65	00	19	01
	71	00	13	63
	70/432	00	08	00
	75	00	09	19

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	76	00	00	47
	Total	01	01	19
Gokulpura	627	00	08	17
	626	00	07	97
	624	00	06	53
	623	00	04	59
	622	00	00	67
	621	00	05	86
	641	00	00	20
	647	00	05	57
	646	00	02	54
	645	00	07	20
	644	00	04	12
	662	00	05	01
	652/760	00	01	34
	658/739	00	00	92
	657	00	05	73
	653	00	03	02
	198	00	00	51
	197	00	03	30
	196	00	03	43
	194	00	03	28
	Total	00	79	96
Jaguwas	98	00	05	68
	93	00	06	55
	90	00	01	86
	90/953	00	00	65
	89	00	03	82
	88	00	05	87
	82	00	05	06
	83	00	01	03
	81	00	03	26
	84	00	00	03
	79/931	00	01	21

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	78	00	11	81
	74	00	04	12
	61	00	04	16
	63	00	00	97
	64	00	03	43
	65	00	03	67
	66	00	03	29
	67	00	06	76
	68	00	05	79
	Total	00	79	02
Kalyanpura	503	00	04	74
	506	00	00	19
	508	00	03	10
	501	00	04	16
	500	00	09	99
	494	00	04	35
	493	00	00	23
	492	00	04	55
	491	00	03	85
	490	00	00	05
	542	00	03	29
	539	00	07	28
	536	00	06	25
	537	00	01	72
	533	00	05	59
	533/705	00	02	00
	532	00	00	27
	571	00	02	83
	525	00	08	90
	524	00	03	39
	523	00	03	29
	522/685	00	01	00
	522	00	01	60
	586	00	01	60

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	587	00	06	85
	589	00	01	57
	588	00	02	89
	591	00	03	77
	618	00	05	45
	600	00	05	11
	599	00	06	43
	603	00	03	71
	Total	01	20	00
Nagal Roondh	293	00	00	97
	286	00	03	58
	287	00	03	09
	222	00	06	98
	221	00	00	06
	224	00	04	96
	232	00	05	22
	231	00	05	49
	235	00	02	79
	230	00	00	05
	236	00	01	50
	237	00	02	62
	238	00	05	52
	239	00	01	35
	245	00	06	21
	279	00	00	11
	246	00	00	98
	278	00	02	04
	315/424	00	00	30
	315/425	00	05	98
	315/426	00	06	95
	315/427	00	07	70
	317	00	09	10
	78	00	04	39
	77	00	23	47

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	76	00	01	96
	74	00	25	99
	42	00	25	35
	71	00	01	20
	43	00	02	07
	44	00	08	48
	62	00	16	12
	61	00	01	36
	46	00	22	76
	47	00	23	79
	48	00	05	01
	53	00	21	64
	52	00	02	54
	Total	02	69	68
Hamzapur	1324	00	02	92
	1326	00	05	48
	1314	00	05	43
	1311	00	04	62
	1310	00	05	15
	Total	00	23	60

[F. No. R-25011/1/2016-OR-I (Pt.-II)]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 4 अक्टूबर, 2017

का.आ. 2394.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी की गई, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना जिसका प्रकाशन भारत के राजपत्र संख्या 2787 दिनांक 25.11.2016 का.आ. संख्या 3561(अ) दिनांक 22.11.2016, भाग II, खण्ड 3, उपखण्ड (ii) में किया गया है। इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट राजस्थान राज्य की तहसील नीमराना जिला अलवर की भूमि में, राजस्थान राज्य में जयपुर से हरियाणा राज्य में पानीपत तक पेट्रोलियम नेपथा के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा क्रियान्वित किए जा रहे “जयपुर पानीपत नेपथा पाइपलाइन परियोजना” के सम्बन्ध में पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के लिए अपने आशय की घोषणा की थी :

और उक्त राजपत्र अधिसूचनाओं की प्रतियां जनता को तारीख 02.03.2017 तक उपलब्ध करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित हैं, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है :

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद् द्वारा घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार अर्जित किया जाए:

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाय सभी विल्लंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 की धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड पूर्णतया उत्तरदायी होगी और पाइपलाइन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

तहसील : नीमराना

जिला : अलवर

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
बाटखानी	227	00	08	18
	226	00	02	25
	225	00	05	74
	207	00	00	18
	208	00	06	57
	206	00	04	55
	205	00	01	59
	50	00	09	74
	49	00	00	14
	63	00	05	23
	Total	00	44	17
कोलिया राबर	95	00	07	48
	96	00	02	11
	89	00	03	80
	88	00	04	61
	87	00	02	65
	85	00	00	09
	86	00	06	48
	115	00	04	38
	116	00	03	65
	122	00	03	71
	123	00	10	23
	129	00	03	27

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	130	00	00	33
	128	00	00	53
	137	00	09	41
	138	00	08	19
	151	00	05	00
	150	00	06	36
	149	00	02	90
	148	00	01	44
	147	00	01	18
	146	00	08	24
	Total	00	96	04
कोलिला सांगा	464	00	01	68
	465	00	02	15
	466	00	04	77
	468	00	08	22
	522	00	02	92
	527	00	04	99
	528	00	06	54
	565	00	04	60
	564	00	05	19
	563	00	00	18
	612	00	00	40
	613	00	06	06
	615	00	04	51
	622	00	00	06
	621	00	05	56
	620	00	00	33
	637	00	00	31
	638	00	05	22
	639	00	01	46
	640	00	07	16

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	641	00	02	70
	675	00	03	02
	293	00	03	47
	678	00	00	33
	292	00	06	79
	292/776	00	03	61
	292/775	00	01	51
	291	00	01	34
	282	00	00	52
	276	00	06	16
	275	00	06	54
	272	00	06	43
	248	00	12	63
	252	00	12	96
	239	00	07	36
	240	00	05	27
	236	00	00	10
	237	00	07	70
	233	00	04	65
	232	00	07	54
	231	00	03	13
	Total	01	76	07
कोलिला जोगा	20	00	00	13
	19	00	05	65
	18	00	08	25
	16	00	06	60
	9	00	00	02
	10	00	07	28
	11	00	01	96
	12	00	05	10
	4	00	07	89

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	2	00	00	20
	3	00	08	36
	Total	00	51	44
माजरा कांठ	207	00	15	18
	224	00	14	46
	Total	00	29	64
शाहजहांपुर	32	00	07	20
	31	00	04	12
	26	00	00	83
	Total	00	12	15
सांसेड़ी	407	00	00	31
	406	00	01	18
	405	00	02	00
	404	00	02	38
	403	00	02	25
	402	00	03	06
	401	00	00	08
	396	00	01	84
	399	00	00	17
	398	00	00	32
	397	00	01	04
	392	00	03	92
	391	00	02	62
	390	00	03	28
	388	00	04	12
	389	00	01	96
	220	00	06	24
	217	00	05	92
	Total	00	42	69
जोनायचा खुर्द	1297	00	02	88
	1296	00	06	52

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	Total	00	09	40
गूगल कोट	2	00	02	36
	Total	00	02	36
कांकर	929	00	05	76
	928	00	02	23
	874	00	16	28
	876	00	05	26
	877	00	01	07
	872	00	02	96
	881	00	06	11
	863	00	05	25
	862	00	04	80
	861	00	06	40
	858	00	18	60
	352	00	06	05
	Total	00	80	77

[फा. सं. आर-25011/1/2016-ओआर-I (पार्ट-II)]

पवन कुमार, अवर सचिव

New Delhi, the 4th October, 2017

S.O. 2394.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, published in the Gazette No. 2787 dated 25.11.2016 S.O. No. 3561(E) dated 22.11.2016 Part-II, section 3, sub-section (ii) issued under sub-section (1) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act) the Central Government declared its intention to acquire the right of user in the land situated in Tehsil Neemrana District Alwar in Rajasthan State, specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum Naphtha from Jaipur in the State of Rajasthan to Panipat in the State of Haryana by the Indian Oil Corporation Limited for implementing the "Jaipur Panipat Naphtha Pipeline Project".

And whereas the copies of the said Gazette notification were made available to the public on 02.03.2017.

And whereas the Competent Authority has under sub-section(1) of section 6 of the said Act, has submitted his report of Central Government.

And whereas, the Central Government after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of the user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user of the said land for laying the pipeline shall, instead of vesting in the

Central Government, vests on the date of publication of the declaration, in India Oil Corporation Limited, free from all encumbrances.

India Oil Corporation Limited shall be exclusively liable for any compensation in terms of section 10 of the P & MP Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government on any matter relating to pipeline.

SCHEDULE

Tehsil : Neemrana

District : Alwar

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
Batkhani	227	00	08	18
	226	00	02	25
	225	00	05	74
	207	00	00	18
	208	00	06	57
	206	00	04	55
	205	00	01	59
	50	00	09	74
	49	00	00	14
	63	00	05	23
	Total	00	44	17
Kolia Rabar	95	00	07	48
	96	00	02	11
	89	00	03	80
	88	00	04	61
	87	00	02	65
	85	00	00	09
	86	00	06	48
	115	00	04	38
	116	00	03	65
	122	00	03	71
	123	00	10	23
	129	00	03	27
	130	00	00	33
	128	00	00	53
	137	00	09	41
	138	00	08	19
	151	00	05	00
	150	00	06	36
	149	00	02	90

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	148	00	01	44
	147	00	01	18
	146	00	08	24
	Total	00	96	04
Kolila Sanga	464	00	01	68
	465	00	02	15
	466	00	04	77
	468	00	08	22
	522	00	02	92
	527	00	04	99
	528	00	06	54
	565	00	04	60
	564	00	05	19
	563	00	00	18
	612	00	00	40
	613	00	06	06
	615	00	04	51
	622	00	00	06
	621	00	05	56
	620	00	00	33
	637	00	00	31
	638	00	05	22
	639	00	01	46
	640	00	07	16
	641	00	02	70
	675	00	03	02
	293	00	03	47
	678	00	00	33
	292	00	06	79
	292/776	00	03	61
	292/775	00	01	51
	291	00	01	34
	282	00	00	52
	276	00	06	16
	275	00	06	54

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	272	00	06	43
	248	00	12	63
	252	00	12	96
	239	00	07	36
	240	00	05	27
	236	00	00	10
	237	00	07	70
	233	00	04	65
	232	00	07	54
	231	00	03	13
	Total	01	76	07
Kolila Joga	20	00	00	13
	19	00	05	65
	18	00	08	25
	16	00	06	60
	9	00	00	02
	10	00	07	28
	11	00	01	96
	12	00	05	10
	4	00	07	89
	2	00	00	20
	3	00	08	36
	Total	00	51	44
Majra Kadh	207	00	15	18
	224	00	14	46
	Total	00	29	64
Shahjahapur	32	00	07	20
	31	00	04	12
	26	00	00	83
	Total	00	12	15
Sansedi	407	00	00	31
	406	00	01	18
	405	00	02	00
	404	00	02	38
	403	00	02	25

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	402	00	03	06
	401	00	00	08
	396	00	01	84
	399	00	00	17
	398	00	00	32
	397	00	01	04
	392	00	03	92
	391	00	02	62
	390	00	03	28
	388	00	04	12
	389	00	01	96
	220	00	06	24
	217	00	05	92
	Total	00	42	69
Jonayacha Khurd	1297	00	02	88
	1296	00	06	52
	Total	00	09	40
Gugal Kota	2	00	02	36
	Total	00	02	36
Kankar	929	00	05	76
	928	00	02	23
	874	00	16	28
	876	00	05	26
	877	00	01	07
	872	00	02	96
	881	00	06	11
	863	00	05	25
	862	00	04	80
	861	00	06	40
	858	00	18	60
	352	00	06	05
	Total	00	80	77

नई दिल्ली, 5 अक्टूबर, 2017

का.आ. 2395.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप धारा (1) के अधीन जारी की गई, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना जिसका प्रकाशन भारत के राजपत्र संख्या 2783 दिनांक 25.11.2016 का.आ. संख्या 3557(अ) भाग II, खण्ड 3, उपखण्ड (II) में किया गया है। इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट राजस्थान राज्य की तहसील कोटपूतली जिला जयपुर की भूमि में, राजस्थान राज्य में जयपुर से हरियाणा राज्य में पानीपत तक पेट्रोलियम नेपथा के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा क्रियान्वित किए जा रहे “जयपुर पानीपत नेपथा पाइपलाइन परियोजना” के सम्बन्ध में पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के लिए अपने आशय की घोषणा की थी :

और उक्त राजपत्र अधिसूचनाओं की प्रतियां जनता को तारीख 02.03.2017 तक उपलब्ध करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित हैं, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है :

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद् द्वारा घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार अर्जित किया जाए:

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाय सभी विल्लंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 की धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड पूर्णतया उत्तरदायी होगी और पाइपलाइन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

तहसील : कोटपूतली

जिला : जयपुर

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
लाडा का बास	856	00	03	78
	855	00	02	50
	855/1	00	06	60
	853	00	01	65
	853/1	00	05	21
	851	00	05	10
	851/1	00	06	30
	763	00	07	44
	760	00	01	21
	724	00	02	78
	759	00	12	48
	725	00	12	10
	725/1	00	03	67

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	700	00	23	36
	697	00	11	63
	692	00	12	25
	Total	01	18	06
हीर की बावडी	2323	00	09	96
	2321	00	04	39
	2320	00	04	30
	2319	00	05	31
	2317	00	05	60
	2262	00	05	13
	2263	00	04	20
	2257	00	07	40
	2256	00	00	50
	2249	00	04	25
	2243/2957	00	08	92
	2936/2235	00	11	63
	1404	00	04	00
	1405	00	04	78
	1405/2	00	00	76
	1407	00	07	00
	1411	00	03	79
	1410	00	03	40
	1413	00	05	30
	1281	00	05	76
	1284	00	04	91
	1285	00	04	59
	1313	00	03	85
	1310	00	02	78
	1309	00	02	11
	1323	00	04	80
	1324	00	03	20
	1325	00	00	27

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	1327	00	02	72
	1326	00	00	50
	1334	00	06	67
	1336	00	07	40
	1336/2693	00	00	20
	1218	00	03	92
	1219	00	03	71
	1213/2524	00	04	75
	1179	00	05	78
	1168	00	05	27
	1168/2623	00	03	44
	1169	00	03	68
	1161	00	03	54
	3036/1161	00	04	98
	1160	00	06	89
	1142	00	02	75
	1141	00	06	92
	1140	00	06	33
	1133	00	07	15
	3065/1133	00	00	25
	1134	00	00	56
	1135	00	04	25
	Total	02	24	55
पावटा	2352	00	09	61
	2339	00	02	94
	2335	00	06	08
	2331	00	04	96
	2329	00	05	18
	2328	00	05	65
	2320	00	07	51
	2319	00	00	37
	2201	00	14	34

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	2175	00	07	86
	2174	00	07	47
	2160	00	06	90
	2160/1	00	06	50
	2131	00	10	00
	2129/2386	00	11	27
	2123	00	02	90
	930	00	04	70
	929	00	01	86
	925	00	08	87
	909	00	10	58
	906	00	11	16
	Total	01	46	71
प्रयागपुरा	1897	00	09	48
	1893	00	07	57
	1833	00	05	84
	1866	00	09	66
	1865	00	00	54
	1864	00	08	98
	1868	00	00	03
	1645	00	00	07
	1646	00	03	15
	1644	00	03	70
	1649	00	06	44
	1650	00	00	70
	1654	00	00	08
	1653 1653/1 1653/2 }	00	07	94
	1652	00	00	04
	1683	00	07	50
	1638	00	00	50

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	1686	00	00	40
	1635	00	04	05
	1634	00	08	46
	1629	00	04	25
	1626	00	04	18
	1630	00	01	98
	1620	00	07	68
	1619	00	04	89
	1617	00	00	95
	Total	01	09	06
किडारोद	652	00	08	73
	651	00	04	01
	649	00	06	35
	641	00	05	97
	642	00	01	78
	522	00	09	44
	519	00	03	46
	523	00	02	48
	528	00	02	24
	526	00	04	59
	525	00	04	85
	524	00	06	65
	559	00	03	43
	558	00	03	25
	567	00	12	80
	568	00	02	50
	569	00	10	11
	575	00	06	84
	576	00	08	30
	496	00	07	21
	497	00	06	11
	446	00	05	67

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	389	00	12	70
	388	00	05	50
	387	00	07	21
	386	00	02	15
	366	00	00	14
	385	00	04	31
	367	00	09	57
	362	00	05	77
	303	00	04	12
	304	00	05	97
	305	00	12	04
	309	00	08	53
	244/3	00	00	59
	244/4	00	08	50
	243	00	00	31
	243/1	00	08	40
	240	00	04	97
	237/1	00	05	18
	236	00	01	85
	232	00	07	42
	231	00	06	06
	229	00	00	54
	181	00	08	00
	158	00	08	99
	150	00	10	82
	133	00	00	83
	132	00	10	30
	131	00	01	00
	Total	02	88	54
पाथरेडी	131	00	00	79
	129	00	02	56
	128	00	06	23

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	127	00	03	24
	124	00	03	11
	51	00	07	62
	57	00	03	87
	56	00	04	03
	63	00	03	88
	64	00	06	83
	54	00	00	88
	65	00	00	05
	66	00	09	10
	69	00	05	33
	70	00	05	13
	111	00	08	51
	110	00	07	60
	109	00	10	68
	108	00	03	06
	209	00	11	73
	209/2276	00	04	50
	209/2277	00	00	22
	210	00	01	13
	211	00	14	95
	212	00	02	30
	Total	01	27	33
रधुनाथपुरा	324	00	03	59
	443	00	07	81
	444	00	07	95
	445	00	03	61
	449	00	00	48
	457	00	08	03
	456	00	00	18
	452	00	01	30
	453	00	07	53

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	454	00	00	10
	433	00	17	57
	420	00	02	54
	422	00	03	07
	423	00	02	74
	390	00	02	82
	391	00	00	47
	393	00	01	31
	392	00	02	83
	398	00	04	34
	164	00	02	55
	165	00	02	84
	163	00	00	08
	159	00	01	96
	162	00	00	83
	160	00	02	20
	149	00	03	00
	148	00	04	97
	124	00	00	67
	126	00	01	59
	125	00	01	22
	118	00	02	70
	113	00	02	94
	112	00	02	69
	107	00	00	88
	Total	01	09	39
गोवर्धनपुरा	1651	00	01	96
	1566	00	21	82
	1567	00	10	60
	1565	00	06	52
	1564	00	00	02
	1563	00	01	90

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	1562	00	01	27
	1561	00	21	77
	1570	00	01	93
	1560	00	11	96
	1535	00	04	24
	1536	00	01	74
	1537	00	02	76
	1538/1	00	02	27
	1808/1539	00	01	63
	1531	00	05	48
	1530	00	05	61
	1526	00	05	78
	1523	00	08	66
	1477	00	07	92
	1476	00	10	23
	1446	00	05	49
	1447	00	18	66
	1448	00	05	29
	1267	00	05	90
	1257/1761	00	02	13
	1266	00	01	73
	1265	00	03	48
	1264	00	02	97
	1263	00	01	19
	1259/1746	00	03	11
	1240	00	10	41
	1053	00	04	34
	1052	00	03	85
	1051	00	04	42
	1060	00	04	53
	1061	00	04	46
	1065	00	09	06

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	1066	00	08	19
	Total	02	35	28
कंवरपुरा	997	00	05	97
	996	00	00	51
	998	00	06	34
	1002	00	07	64
	967	00	07	26
	962	00	00	04
	956	00	07	18
	957	00	04	99
	958	00	03	19
	932/2	00	07	16
	929 } 929/1 }	00	03	70
	928 } 928/1 }	00	04	76
	925 } 925/1 }	00	08	76
	830	00	06	69
	826	00	03	90
	767	00	11	48
	764	00	07	16
	754	00	04	90
	755	00	04	12
	758	00	04	16
	Total	01	09	91
कल्याणपुरा खुर्द	722	00	06	15
	723	00	02	80
	724	00	02	39
	725	00	02	24
	729	00	02	21
	730	00	04	59
	732	00	07	12

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	505	00	02	83
	504	00	02	45
	503	00	07	08
	429	00	01	85
	428/1	00	01	93
	428/2	00	04	94
	434	00	02	69
	423	00	02	86
	422	00	00	98
	436/1	00	02	00
	437	00	00	55
	439	00	03	64
	438	00	04	63
	441	00	01	26
	442	00	07	07
	398	00	08	47
	397	00	02	77
	369	00	02	36
	370	00	05	66
	371	00	05	65
	373	00	05	32
	388	00	04	63
	389	00	03	76
	386	00	00	33
	385	00	08	85
	Total	01	22	06
राहेडा	351	00	00	20
	351/1	00	03	00
	350	00	04	87
	347	00	02	83
	341	00	03	35
	340	00	02	99

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	339	00	08	05
	338	00	07	35
	337	00	08	42
	336	00	05	21
	209	00	06	23
	Total	00	52	50
पूतली	556	00	09	18
	558	00	03	93
	560	00	03	27
	564	00	04	77
	565	00	03	34
	551	00	02	76
	543	00	14	11
	528	00	07	62
	527	00	06	51
	526	00	04	77
	516	00	04	58
	515	00	05	06
	509	00	04	95
	462	00	16	71
	457	00	05	59
	456	00	06	22
	454	00	05	87
	436	00	05	81
	437	00	06	94
	438	00	08	59
	428	00	04	68
	427	00	05	46
	245	00	11	97
	244	00	04	64
	243	00	06	19
	230	00	00	16

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	77	00	01	73
	76	00	03	66
	75	00	04	42
	61	00	01	24
	62	00	03	50
	60	00	05	49
	59	00	10	81
	32	00	11	90
	28	00	15	13
	20	00	04	91
	21	00	04	45
	14	00	05	12
	13	00	03	95
	12	00	01	64
	4	00	00	59
	5	00	05	83
	Total	02	48	05
सुन्दरपुरा	545	00	00	82
	546	00	00	54
	544	00	04	28
	543	00	03	75
	541	00	00	86
	226	00	04	52
	225	00	05	29
	220	00	06	12
	217	00	05	30
	204	00	06	30
	Total	00	37	78
बुचेड़ा	65	00	04	21
	68	00	04	78
	70	00	09	27
	134	00	04	87

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	135	00	04	59
	273	00	10	35
	274	00	06	39
	276	00	05	19
	277	00	02	94
	278	00	03	15
	318	00	09	24
	317	00	05	17
	322	00	06	22
	323/1	00	06	60
	328	00	08	76
	Total	00	91	73
बासडी	501	00	07	18
	508	00	05	42
	513	00	10	42
	520	00	04	90
	521	00	04	85
	531	00	09	19
	535	00	04	00
	537	00	04	26
	546	00	07	89
	545	00	02	60
	660	00	02	08
	657	00	08	56
	656	00	03	23
	649	00	03	99
	648	00	03	99
	647	00	02	12
	650	00	00	18
	619	00	04	13
	606	00	00	97
	618	00	01	55

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	607	00	03	63
	608	00	03	28
	Total	00	98	42
बड़ा बांस	323	00	00	06
	352	00	03	09
	324	00	01	07
	351	00	06	59
	353	00	01	18
	350	00	07	13
	349 } 349/1 }	00	07	37
	356	00	05	76
	357	00	05	15
	345	00	00	01
	Total	00	37	41
रामसिंहपुरा	913	00	07	62
	Total	00	07	62
खेड़की वीरभान	25	00	04	64
	23	00	06	62
	22	00	03	28
	19	00	02	95
	14	00	02	82
	13	00	02	54
	12	00	08	43
	7	00	04	35
	41	00	08	40
	49	00	00	95
	48	00	05	56
	51	00	07	22
	Total	00	57	76
खरखेड़ी	557	00	05	38
	558	00	02	39

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	556	00	07	57
	554	00	06	62
	553	00	02	05
	644/553	00	02	16
	647/553	00	02	14
	551	00	04	98
	550	00	00	50
	550/617	00	04	37
	545	00	00	52
	548	00	01	87
	547	00	04	82
	546	00	04	56
	423	00	08	84
	422	00	07	69
	421	00	02	94
	405	00	03	66
	404	00	05	80
	403	00	01	89
	637/403	00	04	09
	402	00	03	92
	401	00	03	60
	394/629	00	01	73
	344	00	05	75
	342	00	00	21
	346	00	03	73
	347	00	03	20
	348	00	01	56
	349	00	09	23
	333	00	01	97
	331	00	04	34
	332	00	02	70
	316	00	08	46

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	320	00	03	72
	321	00	08	00
	323	00	01	47
	322	00	05	67
	310	00	05	04
	Total	01	59	14
मोलाहेडा	177	00	02	68
	176	00	03	42
	174	00	07	62
	173	00	07	02
	172/968	00	11	25
	172	00	00	85
	Total	00	32	84
शेखपुरा	924	00	07	02
	922	00	03	03
	923	00	01	37
	921	00	03	30
	Total	00	14	72
सांगटेडा	905	00	00	11
	904	00	05	85
	911	00	05	74
	912	00	08	41
	948	00	09	68
	952	00	02	46
	953	00	04	21
	960	00	09	50
	962	00	03	84
	963	00	01	64
	971	00	03	33
	970	00	05	08
	969	00	03	59
	968	00	02	53

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	978	00	01	81
	665	00	04	39
	664	00	04	31
	501	00	04	60
	508	00	03	90
	507	00	01	10
	511	00	07	54
	638	00	02	04
	640	00	00	62
	641	00	01	93
	642	00	02	62
	643	00	02	74
	631	00	04	96
	630	00	03	80
	589	00	00	96
	588	00	02	75
	537	00	04	08
	550	00	08	37
	549	00	00	25
	546	00	10	32
	544	00	07	62
	543	00	08	38
	189	00	13	02
	190	00	05	12
	183	00	06	65
	181	00	04	90
	180	00	04	99
	179	00	05	73
	177	00	06	76
	178	00	05	69
	153	00	13	09
	151	00	03	07

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	1142	00	07	42
	1142/1	00	00	13
	1143	00	04	64
	1143/1	00	03	90
	1147	00	07	86
	1148	00	06	16
	1149	00	03	42
	1150	00	05	25
	1158	00	03	22
	1170/5	00	05	76
	1171	00	04	08
	1172	00	08	41
	1175/1590	00	07	47
	Total	02	91	80
खेड़की मुकूट	919	00	05	20
	922	00	02	89
	923	00	02	91
	925	00	03	99
	926	00	06	51
	927	00	05	79
	928	00	06	00
	929	00	04	37
	930	00	01	36
	931	00	04	92
	932	00	04	75
	944	00	03	13
	978	00	03	95
	945	00	07	46
	948	00	07	01
	951	00	07	02
	952	00	01	18
	880	00	08	11

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	869	00	06	23
	865	00	06	76
	851	00	03	28
	852	00	02	54
	847	00	00	03
	853	00	01	16
	846	00	07	47
	803	00	06	08
	807	00	00	32
	809	00	04	59
	808	00	03	00
	813	00	04	40
	814	00	16	34
	815	00	05	95
	816	00	12	85
	Total	01	67	55
पनियाला	1131	00	02	12
	1137	00	05	99
	1136	00	07	23
	1143	00	06	52
	1144	00	06	77
	1145	00	08	24
	1196	00	02	92
	1195	00	02	34
	1197	00	07	30
	1233	00	04	99
	1232	00	05	98
	1231	00	07	58
	1251	00	06	90
	1252	00	05	17
	1253 } 2538/1253 }	00	09	75

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	1254	00	03	85
	1220	00	00	50
	1255	00	01	28
	1219	00	02	25
	1017	00	09	71
	1373	00	08	69
	1374	00	04	95
	1375	00	08	99
	1381	00	08	41
	1716	00	06	83
	1738	00	07	48
	1739	00	05	50
	1896	00	07	66
	1833	00	00	50
	1834	00	03	80
	1835	00	04	75
	1849	00	00	14
	1848	00	04	35
	1847	00	05	49
	1846	00	05	28
	1845	00	05	19
	1856	00	06	50
	1858	00	04	50
	1822	00	08	07
	1823	00	06	16
	Total	02	20	63
मोरदा	363	00	05	63
	366	00	05	26
	367	00	00	22
	394	00	06	17
	393	00	03	53
	398	00	02	85

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	392	00	08	51
	391	00	08	93
	390	00	04	76
	389	00	05	86
	388	00	03	95
	385	00	04	21
	468	00	03	88
	471	00	10	52
	475	00	08	00
	516	00	06	79
	518	00	04	62
	517	00	00	26
	519	00	00	35
	521	00	05	90
	522	00	07	25
	192	00	12	67
	179	00	07	39
	184	00	06	50
	183	00	06	88
	182	00	02	60
	172	00	10	26
	145	00	00	85
	146	00	08	60
	147	00	04	20
	142	00	04	00
	141 141/1383 }	00	10	46
	139	00	00	40
	140	00	04	80
	577	00	01	80
	132	00	07	56
	131	00	07	23

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	605	00	08	49
	606	00	01	81
	607	00	04	51
	608	00	05	02
	609	00	08	23
	Total	02	31	71
मलपुरा	63	00	00	46
	62	00	07	03
	61	00	05	33
	60	00	04	68
	59	00	05	41
	55	00	07	49
	54	00	06	71
	Total	00	37	11

[फा. सं. आर-25011/3/2016-ओआर-1 (पार्ट)]

पवन कुमार, अवर सचिव

New Delhi, the 5th October, 2017

S.O. 2395.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, published in the Gazette No. 2783 dated 25.11.2016, S.O.No. 3557(E) Part-II, section 3, sub-section(ii) issued under sub-section (1) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act) the Central Government declared its intention to acquire the right of user in the land situated in Tehsil Kotputli, District Jaipur in Rajasthan State, specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum Naphtha from Jaipur in the State of Rajasthan to Panipat in the State of Haryana by the Indian Oil Corporation Limited for implementing the "Jaipur Panipat Naphtha Pipeline Project".

And whereas the copies of the said Gazette notification were made available to the public on 02.03.2017.

And whereas the Competent Authority has under sub-section(1) of section 6 of the said Act, has submitted his report of Central Government.

And whereas, the Central Government after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of the user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user of the said land for laying the pipeline shall, instead of vesting in the Central Government, vests on the date of publication of the declaration, in India Oil Corporation Limited, free from all encumbrances.

India Oil Corporation Limited shall be exclusively liable for any compensation in terms of section 10 of the P & MP Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government on any matter relating to pipeline.

SCHEDULE

Tehsil : Kotputli

District : Jaipur

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
Lada Ka bas	856	00	03	78
	855	00	02	50
	855/1	00	06	60
	853	00	01	65
	853/1	00	05	21
	851	00	05	10
	851/1	00	06	30
	763	00	07	44
	760	00	01	21
	724	00	02	78
	759	00	12	48
	725	00	12	10
	725/1	00	03	67
	700	00	23	36
	697	00	11	63
	692	00	12	25
	Total	01	18	06
Heer Ki Bawdi	2323	00	09	96
	2321	00	04	39
	2320	00	04	30
	2319	00	05	31
	2317	00	05	60
	2262	00	05	13
	2263	00	04	20
	2257	00	07	40
	2256	00	00	50
	2249	00	04	25
	2243/2957	00	08	92
	2936/2235	00	11	63
	1404	00	04	00
	1405	00	04	78
	1405/2	00	00	76
	1407	00	07	00
	1411	00	03	79
	1410	00	03	40

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	1413	00	05	30
	1281	00	05	76
	1284	00	04	91
	1285	00	04	59
	1313	00	03	85
	1310	00	02	78
	1309	00	02	11
	1323	00	04	80
	1324	00	03	20
	1325	00	00	27
	1327	00	02	72
	1326	00	00	50
	1334	00	06	67
	1336	00	07	40
	1336/2693	00	00	20
	1218	00	03	92
	1219	00	03	71
	1213/2524	00	04	75
	1179	00	05	78
	1168	00	05	27
	1168/2623	00	03	44
	1169	00	03	68
	1161	00	03	54
	3036/1161	00	04	98
	1160	00	06	89
	1142	00	02	75
	1141	00	06	92
	1140	00	06	33
	1133	00	07	15
	3065/1133	00	00	25
	1134	00	00	56
	1135	00	04	25
	Total	02	24	55
Pavta	2352	00	09	61
	2339	00	02	94
	2335	00	06	08
	2331	00	04	96
	2329	00	05	18

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	2328	00	05	65
	2320	00	07	51
	2319	00	00	37
	2201	00	14	34
	2175	00	07	86
	2174	00	07	47
	2160	00	06	90
	2160/1	00	06	50
	2131	00	10	00
	2129/2386	00	11	27
	2123	00	02	90
	930	00	04	70
	929	00	01	86
	925	00	08	87
	909	00	10	58
	906	00	11	16
	Total	01	46	71
Pragpura	1897	00	09	48
	1893	00	07	57
	1833	00	05	84
	1866	00	09	66
	1865	00	00	54
	1864	00	08	98
	1868	00	00	03
	1645	00	00	07
	1646	00	03	15
	1644	00	03	70
	1649	00	06	44
	1650	00	00	70
	1654	00	00	08
	1653 1653/1 1653/2 } }	00	07	94
	1652	00	00	04
	1683	00	07	50
	1638	00	00	50
	1686	00	00	40
	1635	00	04	05

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	1634	00	08	46
	1629	00	04	25
	1626	00	04	18
	1630	00	01	98
	1620	00	07	68
	1619	00	04	89
	1617	00	00	95
	Total	01	09	06
Kiradodh	652	00	08	73
	651	00	04	01
	649	00	06	35
	641	00	05	97
	642	00	01	78
	522	00	09	44
	519	00	03	46
	523	00	02	48
	528	00	02	24
	526	00	04	59
	525	00	04	85
	524	00	06	65
	559	00	03	43
	558	00	03	25
	567	00	12	80
	568	00	02	50
	569	00	10	11
	575	00	06	84
	576	00	08	30
	496	00	07	21
	497	00	06	11
	446	00	05	67
	389	00	12	70
	388	00	05	50
	387	00	07	21
	386	00	02	15
	366	00	00	14
	385	00	04	31
	367	00	09	57
	362	00	05	77

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	303	00	04	12
	304	00	05	97
	305	00	12	04
	309	00	08	53
	244/3	00	00	59
	244/4	00	08	50
	243	00	00	31
	243/1	00	08	40
	240	00	04	97
	237/1	00	05	18
	236	00	01	85
	232	00	07	42
	231	00	06	06
	229	00	00	54
	181	00	08	00
	158	00	08	99
	150	00	10	82
	133	00	00	83
	132	00	10	30
	131	00	01	00
	Total	02	88	54
Pathredi	131	00	00	79
	129	00	02	56
	128	00	06	23
	127	00	03	24
	124	00	03	11
	51	00	07	62
	57	00	03	87
	56	00	04	03
	63	00	03	88
	64	00	06	83
	54	00	00	88
	65	00	00	05
	66	00	09	10
	69	00	05	33
	70	00	05	13
	111	00	08	51

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	110	00	07	60
	109	00	10	68
	108	00	03	06
	209	00	11	73
	209/2276	00	04	50
	209/2277	00	00	22
	210	00	01	13
	211	00	14	95
	212	00	02	30
	Total	01	27	33
Raghunathpura	324	00	03	59
	443	00	07	81
	444	00	07	95
	445	00	03	61
	449	00	00	48
	457	00	08	03
	456	00	00	18
	452	00	01	30
	453	00	07	53
	454	00	00	10
	433	00	17	57
	420	00	02	54
	422	00	03	07
	423	00	02	74
	390	00	02	82
	391	00	00	47
	393	00	01	31
	392	00	02	83
	398	00	04	34
	164	00	02	55
	165	00	02	84
	163	00	00	08
	159	00	01	96
	162	00	00	83
	160	00	02	20
	149	00	03	00
	148	00	04	97
	124	00	00	67

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	126	00	01	59
	125	00	01	22
	118	00	02	70
	113	00	02	94
	112	00	02	69
	107	00	00	88
	Total	01	09	39
Gordhanpura	1651	00	01	96
	1566	00	21	82
	1567	00	10	60
	1565	00	06	52
	1564	00	00	02
	1563	00	01	90
	1562	00	01	27
	1561	00	21	77
	1570	00	01	93
	1560	00	11	96
	1535	00	04	24
	1536	00	01	74
	1537	00	02	76
	1538/1	00	02	27
	1808/1539	00	01	63
	1531	00	05	48
	1530	00	05	61
	1526	00	05	78
	1523	00	08	66
	1477	00	07	92
	1476	00	10	23
	1446	00	05	49
	1447	00	18	66
	1448	00	05	29
	1267	00	05	90
	1257/1761	00	02	13
	1266	00	01	73
	1265	00	03	48
	1264	00	02	97
	1263	00	01	19

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	1259/1746	00	03	11
	1240	00	10	41
	1053	00	04	34
	1052	00	03	85
	1051	00	04	42
	1060	00	04	53
	1061	00	04	46
	1065	00	09	06
	1066	00	08	19
	Total	02	35	28
Kanwarpura	997	00	05	97
	996	00	00	51
	998	00	06	34
	1002	00	07	64
	967	00	07	26
	962	00	00	04
	956	00	07	18
	957	00	04	99
	958	00	03	19
	932/2	00	07	16
	929 929/1 }	00	03	70
	928 928/1 }	00	04	76
	925 925/1 }	00	08	76
	830	00	06	69
	826	00	03	90
	767	00	11	48
	764	00	07	16
	754	00	04	90
	755	00	04	12
	758	00	04	16
	Total	01	09	91
Kalyanpura Khurd	722	00	06	15
	723	00	02	80
	724	00	02	39
	725	00	02	24
	729	00	02	21

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	730	00	04	59
	732	00	07	12
	505	00	02	83
	504	00	02	45
	503	00	07	08
	429	00	01	85
	428/1	00	01	93
	428/2	00	04	94
	434	00	02	69
	423	00	02	86
	422	00	00	98
	436/1	00	02	00
	437	00	00	55
	439	00	03	64
	438	00	04	63
	441	00	01	26
	442	00	07	07
	398	00	08	47
	397	00	02	77
	369	00	02	36
	370	00	05	66
	371	00	05	65
	373	00	05	32
	388	00	04	63
	389	00	03	76
	386	00	00	33
	385	00	08	85
	Total	01	22	06
Raheda	351	00	00	20
	351/1	00	03	00
	350	00	04	87
	347	00	02	83
	341	00	03	35
	340	00	02	99
	339	00	08	05
	338	00	07	35
	337	00	08	42

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	336	00	05	21
	209	00	06	23
	Total	00	52	50
Putli	556	00	09	18
	558	00	03	93
	560	00	03	27
	564	00	04	77
	565	00	03	34
	551	00	02	76
	543	00	14	11
	528	00	07	62
	527	00	06	51
	526	00	04	77
	516	00	04	58
	515	00	05	06
	509	00	04	95
	462	00	16	71
	457	00	05	59
	456	00	06	22
	454	00	05	87
	436	00	05	81
	437	00	06	94
	438	00	08	59
	428	00	04	68
	427	00	05	46
	245	00	11	97
	244	00	04	64
	243	00	06	19
	230	00	00	16
	77	00	01	73
	76	00	03	66
	75	00	04	42
	61	00	01	24
	62	00	03	50
	60	00	05	49
	59	00	10	81
	32	00	11	90
	28	00	15	13

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	20	00	04	91
	21	00	04	45
	14	00	05	12
	13	00	03	95
	12	00	01	64
	4	00	00	59
	5	00	05	83
	Total	02	48	05
Sunderpura	545	00	00	82
	546	00	00	54
	544	00	04	28
	543	00	03	75
	541	00	00	86
	226	00	04	52
	225	00	05	29
	220	00	06	12
	217	00	05	30
	204	00	06	30
	Total	00	37	78
Buchaheda	65	00	04	21
	68	00	04	78
	70	00	09	27
	134	00	04	87
	135	00	04	59
	273	00	10	35
	274	00	06	39
	276	00	05	19
	277	00	02	94
	278	00	03	15
	318	00	09	24
	317	00	05	17
	322	00	06	22
	323/1	00	06	60
	328	00	08	76
	Total	00	91	73
Basdi	501	00	07	18
	508	00	05	42

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	513	00	10	42
	520	00	04	90
	521	00	04	85
	531	00	09	19
	535	00	04	00
	537	00	04	26
	546	00	07	89
	545	00	02	60
	660	00	02	08
	657	00	08	56
	656	00	03	23
	649	00	03	99
	648	00	03	99
	647	00	02	12
	650	00	00	18
	619	00	04	13
	606	00	00	97
	618	00	01	55
	607	00	03	63
	608	00	03	28
	Total	00	98	42
Bada Bas	323	00	00	06
	352	00	03	09
	324	00	01	07
	351	00	06	59
	353	00	01	18
	350	00	07	13
	349 } 349/1 }	00	07	37
	356	00	05	76
	357	00	05	15
	345	00	00	01
	Total	00	37	41
Ramsinghpura	913	00	07	62
	Total	00	07	62
Khedki Veerbhan	25	00	04	64
	23	00	06	62
	22	00	03	28

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	19	00	02	95
	14	00	02	82
	13	00	02	54
	12	00	08	43
	7	00	04	35
	41	00	08	40
	49	00	00	95
	48	00	05	56
	51	00	07	22
	Total	00	57	76
Kharkhadi	557	00	05	38
	558	00	02	39
	556	00	07	57
	554	00	06	62
	553	00	02	05
	644/553	00	02	16
	647/553	00	02	14
	551	00	04	98
	550	00	00	50
	550/617	00	04	37
	545	00	00	52
	548	00	01	87
	547	00	04	82
	546	00	04	56
	423	00	08	84
	422	00	07	69
	421	00	02	94
	405	00	03	66
	404	00	05	80
	403	00	01	89
	637/403	00	04	09
	402	00	03	92
	401	00	03	60
	394/629	00	01	73
	344	00	05	75
	342	00	00	21
	346	00	03	73

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	347	00	03	20
	348	00	01	56
	349	00	09	23
	333	00	01	97
	331	00	04	34
	332	00	02	70
	316	00	08	46
	320	00	03	72
	321	00	08	00
	323	00	01	47
	322	00	05	67
	310	00	05	04
	Total	01	59	14
Molaheda	177	00	02	68
	176	00	03	42
	174	00	07	62
	173	00	07	02
	172/968	00	11	25
	172	00	00	85
	Total	00	32	84
Shaikhpura	924	00	07	02
	922	00	03	03
	923	00	01	37
	921	00	03	30
	Total	00	14	72
Sangteda	905	00	00	11
	904	00	05	85
	911	00	05	74
	912	00	08	41
	948	00	09	68
	952	00	02	46
	953	00	04	21
	960	00	09	50
	962	00	03	84
	963	00	01	64
	971	00	03	33
	970	00	05	08
	969	00	03	59

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	968	00	02	53
	978	00	01	81
	665	00	04	39
	664	00	04	31
	501	00	04	60
	508	00	03	90
	507	00	01	10
	511	00	07	54
	638	00	02	04
	640	00	00	62
	641	00	01	93
	642	00	02	62
	643	00	02	74
	631	00	04	96
	630	00	03	80
	589	00	00	96
	588	00	02	75
	537	00	04	08
	550	00	08	37
	549	00	00	25
	546	00	10	32
	544	00	07	62
	543	00	08	38
	189	00	13	02
	190	00	05	12
	183	00	06	65
	181	00	04	90
	180	00	04	99
	179	00	05	73
	177	00	06	76
	178	00	05	69
	153	00	13	09
	151	00	03	07
	1142	00	07	42
	1142/1	00	00	13
	1143	00	04	64
	1143/1	00	03	90

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	1147	00	07	86
	1148	00	06	16
	1149	00	03	42
	1150	00	05	25
	1158	00	03	22
	1170/5	00	05	76
	1171	00	04	08
	1172	00	08	41
	1175/1590	00	07	47
	Total	02	91	80
Kehedki Mukut	919	00	05	20
	922	00	02	89
	923	00	02	91
	925	00	03	99
	926	00	06	51
	927	00	05	79
	928	00	06	00
	929	00	04	37
	930	00	01	36
	931	00	04	92
	932	00	04	75
	944	00	03	13
	978	00	03	95
	945	00	07	46
	948	00	07	01
	951	00	07	02
	952	00	01	18
	880	00	08	11
	869	00	06	23
	865	00	06	76
	851	00	03	28
	852	00	02	54
	847	00	00	03
	853	00	01	16
	846	00	07	47
	803	00	06	08
	807	00	00	32
	809	00	04	59

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	808	00	03	00
	813	00	04	40
	814	00	16	34
	815	00	05	95
	816	00	12	85
	Total	01	67	55
Paniyala	1131	00	02	12
	1137	00	05	99
	1136	00	07	23
	1143	00	06	52
	1144	00	06	77
	1145	00	08	24
	1196	00	02	92
	1195	00	02	34
	1197	00	07	30
	1233	00	04	99
	1232	00	05	98
	1231	00	07	58
	1251	00	06	90
	1252	00	05	17
	1253 2538/1253 }	00	09	75
	1254	00	03	85
	1220	00	00	50
	1255	00	01	28
	1219	00	02	25
	1017	00	09	71
	1373	00	08	69
	1374	00	04	95
	1375	00	08	99
	1381	00	08	41
	1716	00	06	83
	1738	00	07	48
	1739	00	05	50
	1896	00	07	66
	1833	00	00	50
	1834	00	03	80
	1835	00	04	75

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	1849	00	00	14
	1848	00	04	35
	1847	00	05	49
	1846	00	05	28
	1845	00	05	19
	1856	00	06	50
	1858	00	04	50
	1822	00	08	07
	1823	00	06	16
	Total	02	20	63
Morda	363	00	05	63
	366	00	05	26
	367	00	00	22
	394	00	06	17
	393	00	03	53
	398	00	02	85
	392	00	08	51
	391	00	08	93
	390	00	04	76
	389	00	05	86
	388	00	03	95
	385	00	04	21
	468	00	03	88
	471	00	10	52
	475	00	08	00
	516	00	06	79
	518	00	04	62
	517	00	00	26
	519	00	00	35
	521	00	05	90
	522	00	07	25
	192	00	12	67
	179	00	07	39
	184	00	06	50
	183	00	06	88
	182	00	02	60
	172	00	10	26
	145	00	00	85

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	146	00	08	60
	147	00	04	20
	142	00	04	00
	141 } 141/1383 }	00	10	46
	139	00	00	40
	140	00	04	80
	577	00	01	80
	132	00	07	56
	131	00	07	23
	605	00	08	49
	606	00	01	81
	607	00	04	51
	608	00	05	02
	609	00	08	23
	Total	02	31	71
Malpura	63	00	00	46
	62	00	07	03
	61	00	05	33
	60	00	04	68
	59	00	05	41
	55	00	07	49
	54	00	06	71
	Total	00	37	11

[F. No. R-25011/3/2016-OR-I (Pt.)]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 5 अक्टूबर, 2017

का.आ. 2396.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 उप धारा (1) के अधीन जारी की गई, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना जिसका प्रकाशन भारत के राजपत्र संख्या 2787 दिनांक 25.11.2016 का.आ. संख्या 3562(अ) दिनांक 22.11.2016, भाग II, खण्ड 3, उपखण्ड (ii) में किया गया है। इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट राजस्थान राज्य की तहसील विराटनगर जिला जयपुर की भूमि में, राजस्थान राज्य में जयपुर से हरियाणा राज्य में पानीपत तक पेट्रोलियम नेफ्था के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा क्रियान्वित किए जा रहे “जयपुर पानीपत नेफ्था पाइपलाइन परियोजना” के सम्बन्ध में पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के लिए अपने आशय की घोषणा की थी :

और उक्त राजपत्र अधिसूचनाओं की प्रतियां जनता को तारीख 02.03.2017 तक उपलब्ध करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाईन बिछाने के लिए अपेक्षित हैं, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है :

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद् द्वारा घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार अर्जित किया जाए:

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाय सभी विल्लंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 की धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड पूर्णतया उत्तरदायी होगी और पाइपलाईन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

तहसील : विराटनगर

जिला : जयपुर

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
खातोलाई	970	00	08	98
	969	00	07	16
	947	00	02	91
	946	00	03	08
	945	00	02	86
	942	00	07	76
	929	00	05	08
	931	00	03	30
	Total	00	41	13
भाबरू	2141	00	01	04
	2142	00	06	57
	2137	00	03	40
	2136	00	02	01
	2133	00	08	52
	2126	00	07	76
	2128	00	04	47
	Total	00	33	77
ढाणी गैसकान	679	00	01	75
	680	00	05	58
	682	00	06	32
	691	00	00	04
	690	00	05	17

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	692	00	04	26
	693	00	11	05
	698	00	05	11
	597	00	03	80
	596	00	02	29
	595	00	01	64
	599	00	04	44
	600	00	07	36
	601	00	06	92
	511	00	03	29
	512	00	03	23
	513	00	03	10
	515	00	02	79
	516	00	03	71
	518	00	00	92
	519	00	01	54
	520	00	00	59
	177	00	03	06
	175	00	00	95
	173	00	03	12
	185	00	01	40
	174	00	01	56
	170	00	04	17
	169	00	01	02
	163	00	06	61
	164	00	05	54
	166	00	01	14
	160	00	03	29
	159	00	01	90
	155	00	01	32
	156	00	03	94
	157	00	01	78

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	151	00	07	57
	146	00	01	60
	144	00	01	16
	145	00	01	79
	115	00	00	93
	116	00	07	40
	119	00	03	38
	120	00	03	17
	124	00	06	22
	123	00	01	56
	Total	01	60	48
बागावास अहिरान	1159	00	05	53
	1156	00	00	06
	1158	00	02	29
	1157	00	03	04
	1111	00	03	65
	1113	00	03	53
	1109	00	00	42
	1108	00	06	03
	1121	00	00	96
	1122	00	00	29
	1098	00	01	62
	1099	00	01	76
	1100	00	00	45
	1097	00	00	37
	1096	00	01	29
	1096/2233	00	06	83
	1091	00	00	41
	1092	00	00	13
	1069	00	11	37
	1032	00	08	03
	1031	00	00	16

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टेयर	एयर	वर्ग मीटर
	964	00	11	20
	966	00	00	82
	960	00	00	66
	968	00	00	18
	958	00	03	30
	948	00	03	57
	946	00	00	68
	944	00	04	10
	943	00	02	08
	935	00	02	33
	936	00	00	58
	937	00	04	29
	905	00	02	42
	905/2213	00	00	80
	866	00	01	67
	869	00	00	85
	867	00	01	94
	838/2202	00	00	80
	838	00	03	42
	839	00	01	10
	840	00	02	09
	837	00	01	70
	841	00	01	31
	842	00	01	10
	843	00	00	60
	830	00	06	29
	829	00	01	02
	828	00	07	58
	823	00	03	32
	Total	01	30	02

[फा. सं. आर-25011/3/2016-ओआर-I (पार्ट)]

पवन कुमार, अवर सचिव

New Delhi, the 5th October, 2017

S.O. 2396.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, published in the Gazette No. 2787 dated 25.11.2016 S.O. No. 3562(E) dated 22.11.2016 Part-II, section 3, sub-section(ii) issued under sub-section (1) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act) the Central Government declared its intention to acquire the right of user in the land situated in Tehsil Viratnagar District Jaipur in Rajasthan State, specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum Naphtha from Jaipur in the State of Rajasthan to Panipat in the State of Haryana by the Indian Oil Corporation Limited for implementing the "Jaipur Panipat Naphtha Pipeline Project".

And whereas the copies of the said Gazette notification were made available to the public on 02.03.2017.

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act, has submitted his report of Central Government.

And whereas, the Central Government after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of the user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user of the said land for laying the pipeline shall, instead of vesting in the Central Government, vests on the date of publication of the declaration, in India Oil Corporation Limited, free from all encumbrances.

India Oil Corporation Limited shall be exclusively liable for any compensation in terms of section 10 of the P & MP Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government on any matter relating to pipeline.

SCHEDULE

Tehsil : Viratnagar

District : Jaipur

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
Khatolai	970	00	08	98
	969	00	07	16
	947	00	02	91
	946	00	03	08
	945	00	02	86
	942	00	07	76
	929	00	05	08
	931	00	03	30
	Total	00	41	13
Bhabroo	2141	00	01	04
	2142	00	06	57
	2137	00	03	40
	2136	00	02	01
	2133	00	08	52
	2126	00	07	76
	2128	00	04	47

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	Total	00	33	77
Dhani Gas Kan	679	00	01	75
	680	00	05	58
	682	00	06	32
	691	00	00	04
	690	00	05	17
	692	00	04	26
	693	00	11	05
	698	00	05	11
	597	00	03	80
	596	00	02	29
	595	00	01	64
	599	00	04	44
	600	00	07	36
	601	00	06	92
	511	00	03	29
	512	00	03	23
	513	00	03	10
	515	00	02	79
	516	00	03	71
	518	00	00	92
	519	00	01	54
	520	00	00	59
	177	00	03	06
	175	00	00	95
	173	00	03	12
	185	00	01	40
	174	00	01	56
	170	00	04	17
	169	00	01	02
	163	00	06	61
	164	00	05	54
	166	00	01	14
	160	00	03	29
	159	00	01	90
	155	00	01	32

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	156	00	03	94
	157	00	01	78
	151	00	07	57
	146	00	01	60
	144	00	01	16
	145	00	01	79
	115	00	00	93
	116	00	07	40
	119	00	03	38
	120	00	03	17
	124	00	06	22
	123	00	01	56
	Total	01	60	48
Bagawas Ahiran	1159	00	05	53
	1156	00	00	06
	1158	00	02	29
	1157	00	03	04
	1111	00	03	65
	1113	00	03	53
	1109	00	00	42
	1108	00	06	03
	1121	00	00	96
	1122	00	00	29
	1098	00	01	62
	1099	00	01	76
	1100	00	00	45
	1097	00	00	37
	1096	00	01	29
	1096/2233	00	06	83
	1091	00	00	41
	1092	00	00	13
	1069	00	11	37
	1032	00	08	03
	1031	00	00	16
	964	00	11	20
	966	00	00	82

Name of Village	Khasra No.	Area		
		Hectare	Are	Square Meter
	960	00	00	66
	968	00	00	18
	958	00	03	30
	948	00	03	57
	946	00	00	68
	944	00	04	10
	943	00	02	08
	935	00	02	33
	936	00	00	58
	937	00	04	29
	905	00	02	42
	905/2213	00	00	80
	866	00	01	67
	869	00	00	85
	867	00	01	94
	838/2202	00	00	80
	838	00	03	42
	839	00	01	10
	840	00	02	09
	837	00	01	70
	841	00	01	31
	842	00	01	10
	843	00	00	60
	830	00	06	29
	829	00	01	02
	828	00	07	58
	823	00	03	32
	Total	01	30	02

[F. No. R-25011/3/2016-OR-I (Pt.)]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 5 अक्टूबर, 2017

का.आ. 2397.—केन्द्रीय सरकार, पेट्रोलियम एवं खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962, (1962 का 50), की धारा 2 के खंड (क) के अनुसरण में तारीख 28 जुलाई, 2016 को भारत के राजपत्र में प्रकाशित, भारत सरकार के पेट्रोलियम और प्रकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 2559 (अ) नई दिल्ली, 25 जुलाई 2016 में निम्नलिखित रूप से संशोधन करती है, अर्थात् :-

उक्त अधिसूचना की अनुसूची में

" श्री विश्वनाथ समझदार

डब्लु. बी. सी. एस. (प्रशासनिक) अवकाश प्राप्त

सक्षम अधिकारी

इंडियन ऑयल कॉर्पोरेशन लिमिटेड

पारदीप - हल्दिया- दुर्गापुर एलपीजी पाइपलइन,

पारदीप - हल्दिया- दुर्गापुर एलपीजी पाइपलइन ऑगमेंटेशन एवं

पारदीप - हल्दिया- बरौनी पाइपलइन ऑगमेंटेशन योजना

डाकघर - दुईल्या, आन्दुल - मौरी, मौरीग्राम

हावड़ा - 711 302 (पश्चिम बंगाल)

श्री अशोक कुमार सरकार

डब्लु. बी. सी. एस. (प्रशासनिक) अवकाश प्राप्त

सक्षम अधिकारी

इंडियन ऑयल कॉर्पोरेशन लिमिटेड

पारदीप - हल्दिया- दुर्गापुर एलपीजी पाइपलइन,

पारदीप - हल्दिया- दुर्गापुर एलपीजी पाइपलइन ऑगमेंटेशन एवं

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हावड़ा - 711 302 (पश्चिम बंगाल) "

शब्दों और अंकों के स्थान पर

" श्री विश्वनाथ समझदार

डब्लु. बी. सी. एस. (प्रशासनिक) अवकाश प्राप्त

सक्षम अधिकारी

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पारदीप - हल्दिया- दुर्गापुर एलपीजी पाइपलइन,

पारदीप - हल्दिया- दुर्गापुर एलपीजी पाइपलइन ऑगमेंटेशन,

पारदीप - हल्दिया- बरौनी पाइपलइन ऑगमेंटेशन योजना एवं

18" हल्दिया बरौनी प्रोडक्ट पाइपलइन परियोजना,

डाकघर - दुईल्या, आन्दुल - मौरी, मौरीग्राम

हावड़ा - 711 302 (पश्चिम बंगाल)

श्री अशोक कुमार सरकार

डब्लु. बी. सी. एस. (प्रशासनिक) अवकाश प्राप्त

सक्षम अधिकारी

इंडियन ऑयल कॉर्पोरेशन लिमिटेड

पारदीप - हल्दिया- दुर्गापुर एलपीजी पाइपलइन,

पारदीप - हल्दिया- दुर्गापुर एलपीजी पाइपलइन ऑगमेंटेशन,

पारदीप - हल्दिया- बरौनी पाइपलइन ऑगमेंटेशन योजना एवं

18" हल्दिया बरौनी प्रोडक्ट पाइपलाइन परियोजना,
 डाकघर - दुईल्या, आन्दुल - मौरी, मौरीग्राम
 हावड़ा - 711 302 (पश्चिम बंगाल) "
 पढ़ा जाए।
 यह अधिसूचना जारी होने की तारीख से लागू होगी।

[फा. सं. आर-25011/14/2012-ओआर-I/20748]

पवन कुमार, अवर सचिव

New Delhi, the 5th October, 2017

S.O. 2397.—In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962) the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Petroleum and Natural Gas. S.O. No 2559 (E) dated 25 July 2016, published in the Gazette of India on the 28 July, 2016 namely:-

In the Said Notification, for the numbers and words,

" Shri Biswanath Samajder
 W.B.C.S. (Exe.) Retd.
 Competent Authority
 Indian Oil Corporation Limited
 Paradip - Haldia- Durgapur LPG pipeline,
 Augmentation of Paradip- Haldia - Durgapur LPG Pipeline,
 Augmentation of Paradip- Haldia- Barauni pipeline,
 P.O. Duilya, Andul - Mouri, Mourigram,
 Howrah - 711 302 (West Bengal)

Shri Asoke Kumar Sarkar
 W.B.C.S. (Exe.) Retd.
 Competent Authority
 Indian Oil Corporation Limited
 Paradip - Haldia- Durgapur LPG pipeline,
 Augmentation of Paradip- Haldia - Durgapur LPG Pipeline,
 Augmentation of Paradip- Haldia- Barauni pipeline,
 P.O. Duilya, Andul - Mouri, Mourigram,
 Howrah - 711 302 (West Bengal)"

the numbers and words

" Shri Biswanath Samajder
 W.B.C.S. (Exe.) Retd.
 Competent Authority
 Indian Oil Corporation Limited
 Paradip - Haldia- Durgapur LPG pipeline,
 Augmentation of Paradip- Haldia - Durgapur LPG Pipeline,
 Augmentation of Paradip- Haldia- Barauni pipeline,
 18" Haldia Barauni Product Pipeline ,
 P.O. Duilya, Andul - Mouri, Mourigram,
 Howrah - 711 302 (West Bengal)
 Shri Asoke Kumar Sarkar
 W.B.C.S. (Exe.) Retd.
 Competent Authority
 Indian Oil Corporation Limited
 Paradip - Haldia- Durgapur LPG pipeline,
 Augmentation of Paradip- Haldia - Durgapur LPG Pipeline,
 Augmentation of Paradip- Haldia- Barauni pipeline,
 18" Haldia Barauni Product Pipeline ,

P.O. Duilya, Andul - Mouri, Mourigram,
Howrah - 711 302 (West Bengal)"

shall be substituted.

This notification is applicable from the date of issue.

[F. No. R-25011/14/2012-OR-I/20748]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 6 अक्टूबर, 2017

का.आ. 2398.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 915 (अ) तारीख 15 मार्च 2017, जो भारत के असाधारण राजपत्र तारीख 21 मार्च 2017 और संशोधन संख्या का. आ. 2738 (अ) तारीख 18 अगस्त 2017, जो भारत के असाधारण राजपत्र तारीख 22 अगस्त 2017, में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पालनपुर से वडोदरा पाइपलाइन परियोजनान्तर्गत चंडीसर से आसोज तक पेट्रोलियम पदार्थ परिवहन के लिए गुजरात राज्य में हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त असाधारण राजपत्र अधिसूचना की प्रतियां जनता को तारीख 19 अप्रैल 2017 तक उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात्, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त होकर हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 की धारा 10 के अध्याधीन किसी भी क्षतिपूर्ति के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड पूर्णतया उत्तरदायी होगी और पाइपलाइन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद, दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

तालुका :उंझा		जिला : मेहसाणा	राज्य : गुजरात		
क्र. सं.	गाँव का नाम	सर्वे / ब्लोक नं.	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मी.
1	2	3	4	5	6

1	कहोडा	457 / 1 / पैकी2	00	14	17
		457 / 2 पैकी1			
		1433 / पैकी4	00	36	92
		1433 / 2 पैकी2			

		1435/पैकी1	00	01	76
		1435/पैकी2			
		1434/पैकी2	00	28	66
		1434/पैकी3			
		1448/पैकी1	00	11	11
		1448/पैकी3			
		1449/पैकी1	00	18	02
		1452/पैकी1	00	09	27
		1453/पैकी2	00	00	40
		1489/पैकी1	00	22	87
		25/1/पैकी1 (सरकारी – रास्ता)			
		25/2	00	09	48
		25/3			
		221/1	00	12	33
		266/पैकी2	00	11	46
		270/पैकी1	00	12	48
		332/1	00	07	47
		297/1	00	02	54
		294/1	00	00	40
		449/1	00	07	57
		449/1/पैकी1			
		486/2			
		486/3	00	00	40
		486/4			
		1430/पैकी 1	00	09	23
		1543/ 1	00	16	99
2	उपेरा	206/पैकी2	00	01	00
		207/पैकी1	00	26	99
		222/पैकी2	00	19	24
		218/2	00	10	12
		243/1	00	13	76
		243/2			
		324/पैकी2	00	00	80

329 / 1	00	26	03
305 / 1 पैकी 1	00	10	70
305 / 1 पैकी 2			
305 / 2			
305 / 2 पैकी			
305 / 4			
511 / 1 / 4	00	37	12
511 / 1 / 5			
511 / 1 / 6			
511 / 1 / 7			
511 / पैकी 2			
511 / 3 पैकी 2			
511 / 3 पैकी 3			
511 / 3 पैकी 4			
511 / 3 पैकी 5			
511 / 3 पैकी 6 / पैकी 1			
511 / 3 पैकी 6 / पैकी 2			
511 / 3 पैकी 6 / पैकी 3			
511 / 3 पैकी 7			
511 / 3 पैकी 6			
511 / 4 पैकी 1			
511 / 4 पैकी 2			
511 / 4 पैकी 3			
511 / पैकी 2			
584 / 1	00	00	40
513 / 1	00	14	70
517 / 1	00	12	83
656 / पैकी 3	00	13	69
656 / पैकी 4			
982 / पैकी 2	00	07	73
997 / पैकी 2	00	10	34
999 / 1	00	03	92
999 / 2			
999 / 3			
999 / पैकी 2			
999 / पैकी 3			
999 / 3 / 1			
999 / 4 पैकी 1			
999 / 4 पैकी 2			

		1036/पैकी1	00	11	74
		1049/पैकी2	00	01	95
		1068/पैकी1	00	03	22
		1069/पैकी2	00	09	37
		1072/4	00	06	67
		1072/5			
		1072/6			
		1063/पैकी1	00	02	14
3	करणपुर	450/1	00	14	12
		450/2			
		439/2	00	00	60
		439/3			
		446/2	00	00	50
		442/2	00	02	31
		667/पैकी2	00	01	96
		666/1	00	10	87
		666/2पैकी2			
		666/3पैकी2			
		661/पैकी1	00	00	40
		662/पैकी2	00	00	40
		654/पैकी2	00	00	80
		652/पैकी2	00	04	76
		624/1	00	07	31
		623/2	00	01	57
		633/1	00	03	68
		633/2			
		580/2/पैकी1	00	14	10
		580/2पैकी2			
		541/1	00	07	45
		577/1पैकी1	00	00	40
		577/1पैकी2			
		577/3			
		544/पैकी2	00	10	51
		545/2	00	05	00
		559/1पैकी2	00	08	31
		557/2/पैकी2	00	07	70
		557/1/पैकी2			

4	करली	210 / पैकी2	00	02	88
		216 / 2	00	01	58
		223 / पैकी2	00	05	98

तालुका: विसनगर		जिला : मेहसाणा	राज्य : गुजरात		
1	उमता	1686 / पैकी1			
		1686 / पैकी3	00	02	73
		1686 / पैकी4			
		1686 / पैकी5			
		1680 / 1	00	01	96
		1680 / 2			
		1677 / पैकी3	00	12	07
		1579 / पैकी2	00	09	45
		1583 / पैकी2	00	12	60
		1586 / 1	00	00	40
		1557 / 1			
		1557 / 3 पैकी1	00	03	78
		1557 / 3 पैकी2			
		1387 / 2	00	02	77
		1385 / 1	00	08	82
		1342 / 1	00	00	90
		1227 / पैकी1	00	11	60
		1226 / 1	00	08	53
		1225 / 2	00	07	80
		1219 / 1	00	15	62
		475 / 1 / 1	00	06	16
		475 / 2			
		525 / 1	00	04	00
		868 / 1	00	30	16
		868 / 2ब			
		867 / 2	00	00	50
		867 / 3			
		864 / 1	00	13	48
		4536 / 1			
		4536 / 2 / 1	00	01	00
		4536 / 3			
		4536 / 4			

		4533 / 2 / 1	00	23	47
		523 / पैकी1	00	04	68
		903 / 4	00	21	13
2	गुंजा	1006	00	12	69
		686 / पैकी2	00	12	09
		1693 / पैकी2	00	00	50
		1694 / पैकी1	00	05	94
		1351 / ब	00	06	98
		105 / पैकी1	00	15	91
		390 / 1 पैकी1	00	18	29
		390 / 1 पैकी2			
		390 / 2			
		391 / पैकी1	00	13	10
		1620 / पैकी2 / पैकी1	00	32	57
		1620 / पैकी2 / पैकी2			
		1619 / 1 पैकी1			
		1619 / 2	00	01	31
		1619 / 2 पैकी1			
		1619 / 2 पैकी2			
		305 / पैकी1	00	08	35
3	भालक	1034	00	05	05

तालुका: विजापुर

जिला : मेहसाणा

राज्य : गुजरात

1	कोलवडा	878 / 1 पैकी			
		878 / 2			
		878 / 3			
		878 / 4			
		878 / 5	00	51	06
		878 / 6			
		878 / 7			
		878 / 8			
		878 / 9 पैकी1			

878 / 9पैकी2			
878 / पैकी1			
878 / पैकी10			
878 / पैकी10 / पैकी1			
878 / पैकी11			
878 / पैकी13			
878 / 13पैकी1			
878 / पैकी14			
878 / पैकी17			
878 / पैकी19			
878 / पैकी2			
878 / पैकी3			
878 / पैकी4			
878 / पैकी5			
878 / पैकी6			
878 / पैकी7			
878 / पैकी7 / पैकी1			
878 / पैकी8			
878 / पैकी9			
878 / पैकी9 / पैकी1			
825 / 1	00	01	64
825 / 3			
801 / 3			
801 / 4	00	30	33
801 / 7			
799 / 2	00	02	24
656 / 2	00	06	57
657 / 1	00	14	12
658 / पैकी1	00	11	03
658 / पैकी3			
652	00	09	97
652 / पैकी3			
646 / 3			
646 / 6	00	27	63
646 / 7			

2	पीलवाई	761 / 1	00	04	14
		757 / पैकी2 / पैकी2	00	34	71
		616 / 1	00	00	70
		616 / 3			
		512 / पैकी1			
		512 / पैकी2 / पैकी1	00	07	81
		307 / 1	00	03	55
		307 / 3			

[फा. सं. आर-31015/09/2016-ओआर-II/43883]

पवन कुमार, अवर सचिव

New Delhi, the 6th October, 2017

S.O. 2398.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas S. O. No. 915 (E) Dated 15 March, 2017, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Extra Ordinary Gazette of India dated the 21 March, 2017, and Amendment S. O. No.2738 (E) dated 18 August, 2017, published in the Extra Ordinary Gazette of India dated 22 August, 2017 the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline in the State of Gujarat for transportation of petroleum product from Chandisar to Asoj under Palanpur Vadodara Pipeline by Hindustan Petroleum Corporation Limited.

And whereas copies of the said Extra Ordinary Gazette notification were made available to the public up to 19 April, 2017.

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of the declaration, in Hindustan Petroleum Corporation Limited free from all encumbrances.

Hindustan Petroleum Corporation Limited shall be exclusively liable for any compensation in terms of Section 10 of the P&MP Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government on any matter relating to the pipeline.

SCHEDULE

TALUKA : UNJHA		DISTRICT : MEHSANA	STATE : GUJARAT		
Sl. No.	Name of the Village	Survey / Block No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6

1	KAHODA	457/1/P2	00	14	17
		457/2P1			

		1433/P4]	00	36	92
		1433/2P2]			
		1435/P1]	00	01	76
		1435/P2]			
		1434/P2]	00	28	66
		1434/P3]			
		1448/P1]	00	11	11
		1448/P3]			
		1449/P1	00	18	02
		1452/P1	00	09	27
		1453/P2	00	00	40
		1489/P1	00	22	87
		25/1/P1(G/L-Road)]			
		25/2]	00	09	48
		25/3]			
		221/1	00	12	33
		266/P2	00	11	46
		270/P1	00	12	48
		332/1	00	07	47
		297/1	00	02	54
		294/1	00	00	40
		449/1]	00	07	57
		449/1/P1]			
		486/2]			
		486/3]	00	00	40
		486/4]			
		1430/P1	00	09	23
		1543/1	00	16	99
2	UPERA	206/P2	00	01	00
		207/P1	00	26	99
		222/P2	00	19	24
		218/2	00	10	12
		243/1]	00	13	76
		243/2]			
		324/P2	00	00	80
		329/1	00	26	03
		305/1P1]			
		305/1P2]			
		305/2]	00	10	70
		305/2P]			
		305/4]			

511/1/4			
511/1/5			
511/1/6			
511/1/7			
511/P2			
511/3P2			
511/3P3			
511/3P4			
511/3P5			
511/3P6/P1	00	37	12
511/3P6/P2			
511/3P6/P3			
511/3P7			
511/3P6			
511/4P1			
511/4P2			
511/4P3			
584/1	00	00	40
513/1	00	14	70
517/1	00	12	83
656/P3	00	13	69
656/P4			
982/P2	00	07	73
997/P2	00	10	34
999/1			
999/2			
999/3			
999/P2	00	03	92
999/P3			
999/3/1			
999/4P1			
999/4P2			
1036/P1	00	11	74
1049/P2	00	01	95
1068/P1	00	03	22
1069/P2	00	09	37
1072/4			
1072/5	00	06	67
1072/6			
1063/P1	00	02	14

3	KARANPURA	450/1]	00	14	12
		450/2]			
		439/2]	00	00	60
		439/3]			
		446/2	00	00	50
		442/2	00	02	31
		667/P2	00	01	96
		666/1]			
		666/2P2]	00	10	87
		666/3P2]			
		661/P1	00	00	40
		662/P2	00	00	40
		654/P2	00	00	80
		652/P2	00	04	76
		624/1	00	07	31
		623/2	00	01	57
		633/1]	00	03	68
		633/2]			
		580/2/P1]	00	14	10
		580/2P2]			
		541/1	00	07	45
		577/1P1]			
		577/1P2]	00	00	40
		577/3]			
		544/P2	00	10	51
		545/2	00	05	00
		559/1P2	00	08	31
		557/2/P2]	00	07	70
		557/1/P2]			
4	KARLI	210/P2	00	02	88
		216/2	00	01	58
		223/P2	00	05	98

TALUKA : VISNAGAR

DISTRICT : MEHSANA

STATE : GUJARAT

1	UMATA	1686/P1]			
		1686/P3]	00	02	73
		1686/P4]			
		1686/P5]			
		1680/1]	00	01	96
		1680/2]			

		1677/P3	00	12	07
		1579/P2	00	09	45
		1583/P2	00	12	60
		1586/1	00	00	40
		1557/1	00	03	78
		1557/3P1			
		1557/3P2			
		1387/2	00	02	77
		1385/1	00	08	82
		1342/1	00	00	90
		1227/P1	00	11	60
		1226/1	00	08	53
		1225/2	00	07	80
		1219/1	00	15	62
		475/1/1	00	06	16
		475/2			
		525/1	00	04	00
		868/1	00	30	16
		868/2B			
		867/2	00	00	50
		867/3			
		864/1	00	13	48
		4536/1	00	01	00
		4536/2/1			
		4536/3			
		4536/4			
		4533/2/1	00	23	47
		523/P1	00	04	68
		903/4	00	21	13
2	GUNJA	1006	00	12	69
		686/P2	00	12	09
		1693/P2	00	00	50
		1694/P1	00	05	94
		1351/B	00	06	98
		105/P1	00	15	91
		390/1P1	00	18	29
		390/1P2			
		390/2			

		391/P1	00	13	10
		1620/P2/P1	00	32	57
		1620/P2/P2			
		1619/1P1			
		1619/2	00	01	31
		1619/2P1			
		1619/2P2			
		305/P1	00	08	35
3	BHALAK	1034	00	05	05
TALUKA : VIJAPUR			DISTRICT : MEHSANA		STATE : GUJARAT
1	KOLVADA	878/1P			
		878/2			
		878/3			
		878/4			
		878/5			
		878/6			
		878/7			
		878/8			
		878/9P1			
		878/9P2			
		878/P1			
		878/P10	00	51	06
		878/P10/P1			
		878/P11			
		878/P13			
		878/13P1			
		878/P14			
		878/P17			
		878/P19			
		878/P2			
		878/P3			
		878/P4			
		878/P5			
		878/P6			
		878/P7			
		878/P7/P1			
		878/P8			
		878/P9			
		878/P9/P1			

		825/1]	00	01	64
		825/3]			
		801/3]			
		801/4]	00	30	33
		801/7]			
		799/2	00	02	24
		656/2	00	06	57
		657/1	00	14	12
		658/P1]	00	11	03
		658/P3]			
		652]	00	09	97
		652/P3]			
		646/3]			
		646/6]	00	27	63
		646/7]			
2	PILVAI	761/1	00	04	14
		757/P2/P2	00	34	71
		616/1]	00	00	70
		616/3]			
		512/P1]	00	07	81
		512/P2/P1]			
		307/1]	00	03	55
		307/3]			

[F. No. R-31015/09/2016-OR-II/43883]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 9 अक्टूबर, 2017

का.आ. 2399.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि पालनपुर से वडोदरा (गुजरात) तक पेट्रोलियम पदार्थ परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में जो इस से उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री एन. डी. जाला, सक्षम प्राधिकारी, पालनपुर-वडोदरा पाइपलाइन परियोजना, पहली मंजिल, गिरिराज अपार्टमेंट, नं.52, श्रीनगर सोसायटी, उर्मि चाररास्ता, दिनेश मिल रोड, अकोटा, वडोदरा पिन - 390020 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तलुका : वडोदरा		जिला : वडोदरा	राज्य : गुजरात		
क्र. सं.	गाँव का नाम	सर्वे / ब्लॉक नं.	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मी.
1	2	3	4	5	6
1	आसोज	934	00	11	96
		936	00	21	83
		938	00	28	96
		939 / 1	00	02	00
		939 / 2			
		191 / अ	00	05	50
		191 / ब			

[फा. सं. आर-31015/11/2016-ओआर-II/46987]

पवन कुमार, अवर सचिव

New Delhi, the 9th October, 2017

S.O. 2399.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of Petroleum Product from Palanpur to Vadodara (Gujarat), a Pipeline should be laid by Hindustan Petroleum Corporation Limited.

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may, within twenty one days from the date on which the copies of the Gazette of India containing this notification are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri N. D. Zala, Competent Authority, Palanpur Vadodara Pipeline Project, 1st Floor, Giriraj Apartment, No. 52, Shrinagar Society, Urmi Char Rasta, Dinesh Mill Road, Akota, Vadodara (Gujarat) -390020

SCHEDULE

Sl. No.	Name of the Village	Survey / Block No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
1	ASOJ	934	00	11	96
		936	00	21	83
		938	00	28	96
		939/1	00	02	00
		939/2			
		191/A	00	05	50
		191/B			

[F. No. R-31015/11/2016-OR-II/46987]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 9 अक्टूबर, 2017

का.आ. 2400.—केंद्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार के अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम एवं गैस मन्त्रालय की अधिसूचना सं० का० आ० 910(अ) तारीख 23 मार्च 2015 जो भारत के राजपत्र सं० 681 तारीख 01 अप्रैल 2015 को प्रकाशित की गई थी , द्वारा उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमि में केरल राज्य में भारत पेट्रोलियम कार्पोरेशन लिमिटेड की कोच्चि रीफानरी से सेलम तक द्रवित पेट्रोलियम गैस के परिवहन के लिए कोच्चि कोयम्बटूर सेलम पाइपलाइन परियोजना के माध्यम से कोच्चि सेलम पाइपलाइन प्राइवेट लिमिटेड द्वारा एक पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 13 अगस्त 2015 से 3 सितम्बर 2015 के बीच उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन , केंद्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केंद्रीय सरकार ने , उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर की उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है ,उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब केंद्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग के अधिकार का अर्जन किया जाता है ;

और केंद्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केंद्रीय सरकार में निहित होने कि बजाए, सभी विल्लंगमों से मुक्त , कोच्चि सेलम पाइपलाइन प्राइवेट लिमिटेड में निहित होगा।

अनुसूची

राज्य: केरल

जिला: ऐरनाकुलम

तालुक: आलुवा

नाम ग्राम	सर्वे नम्बर	क्षेत्रफल		
		हेक्टेयर	एरिया	वर्गमीटर
करुकुटि (खंड सं 2)	221 / 18	0	04	72
	222 / 7	0	02	19
	222 / 8	0	03	66

222 / 9	0	00	19
222 / 10	0	00	21
222 / 11	0	00	48
223 / 12	0	10	42
224 / 2	0	06	91
224 / 3	0	08	05
239 / 10	0	06	34
239 / 11	0	06	97
240 / 3	0	05	22
240 / 7	0	05	52
240 / 8	0	00	92
240 / 9	0	03	77
240 / 10	0	05	51
245 / 10	0	08	85
245 / 14	0	06	21
246 / 4	0	12	59
246 / 9	0	06	55
246 / 11	0	05	00
247 / 6	0	05	33
247 / 7	0	03	11
247 / 8	0	02	08
358 / 1	0	03	08
358 / 3	0	07	51
358 / 4	0	00	99
358 / 5	0	02	66
358 / 6	0	01	24
358 / 7	0	00	70
358 / 8	0	01	97
358 / 9	0	02	34
358 / 10	0	01	59
360 / 2	0	02	97
360 / 3	0	04	01
360 / 5	0	08	46
360 / 8	0	00	06
362 / 4	0	03	54
362 / 5	0	03	98
362 / 6	0	03	68
363 / 4	0	00	27
363 / 5	0	01	03

	363 / 6	0	03	05
	363 / 7	0	02	79
	363 / 9	0	01	02
	363 / 10	0	05	98
	363 / 11	0	02	79
	363 / 12	0	03	50
	365 / 8	0	02	58
	365 / 9	0	03	91
	365 / 10	0	07	42
	365 / 16	0	02	80
	366 / 3	0	03	90
	366 / 4	0	02	66
	366 / 5	0	03	88
	366 / 6	0	00	23
	366 / 7	0	01	76
	366 / 8	0	00	53
	366 / 9	0	05	26
	366 / 12	0	05	96
	391 / 1	0	04	42
	402 / 2	0	16	79
	402 / 3	0	02	78
	402 / 4	0	14	76
	403 / 2	0	00	07
	404 / 1	0	02	76
	404 / 2	0	03	05
	404 / 3	0	02	56
	404 / 4	0	03	76
	404 / 5	0	01	30
	404 / 8	0	07	78
करुकुटि (खंड सं 3)	17 / 4	0	02	91
	35 / 2	0	44	74
	42 / 1	0	04	89
	42 / 2	0	00	30
	42 / 5	0	06	15
	42 / 6	0	06	40
	54 / 1	0	08	17
	54 / 2	0	03	94
	54 / 3	0	02	31
	54 / 8	0	05	18

55/9	0	05	57
55/18	0	01	78
55/19	0	01	73
55/20	0	01	58
55/21	0	01	54
59/3	0	06	66
60/1	0	06	34

[फा. सं. आर-31015/02/2015-ओआर-II/37114]

पवन कुमार, अवर सचिव

New Delhi, the 9th October, 2017

S.O. 2400.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas SO No. 910 (E), dated 23/03/2015 published in Govt. of India Gazette No. 681 dated 01/04/2015 issued under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (Central Act 50 of 1962) (herein after referred to as said Act), the Central Government declared its intention to acquire the Right of User in the land specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of Liquefied Petroleum Gas from Kochi Refinery of Bharat Petroleum Corporation Limited in the State of Kerala to Salem in the State of Tamilnadu.

AND, Whereas, the copies of the said Gazette notifications have been made available to the public between 13/08/2015 to 03/09/2015.

AND, Whereas, the Competent Authority in pursuance of sub section (1) of section 6 of the said Act has submitted his report to the Central Government.

AND, Whereas, the Central Government, after considering the said report, is satisfied that the Right of User in the said land specified in the schedule appended should be acquired.

Now, therefore in exercise of the powers conferred by sub section (1) of the Section 6 of the said Act, the Central Government hereby declared that the Right of User in the Land specified in the schedule appended to this notification are hereby acquired.

AND, further, in exercise of powers conferred by sub section (4) of the section 6 of the said Act, the Central Government hereby directs that the Right of User in the said lands shall, instead of vesting in the Central Government vest free from all encumbrances in the Kochi – Salem Pipeline Private Limited.

SCHEDULE

STATE : KERALA

DISTRICT : ERNAKULAM

TALUK : ALUVA

VILLAGE	SURVEY NUMBERS	AREA		
		HECTARES	ARES	SQ. MTRS
KARUKUTTY (BLOCK. No. 2)	221/18	0	04	72
	222/7	0	02	19
	222/8	0	03	66
	222/9	0	00	19
	222/10	0	00	21
	222/11	0	00	48
	223/12	0	10	42
	224/2	0	06	91
	224/3	0	08	05
	239/10	0	06	34
	239/11	0	06	97

240/3	0	05	22
240/7	0	05	52
240/8	0	00	92
240/9	0	03	77
240/10	0	05	51
245/10	0	08	85
245/14	0	06	21
246/4	0	12	59
246/9	0	06	55
246/11	0	05	00
247/6	0	05	33
247/7	0	03	11
247/8	0	02	08
358/1	0	03	08
358/3	0	07	51
358/4	0	00	99
358/5	0	02	66
358/6	0	01	24
358/7	0	00	70
358/8	0	01	97
358/9	0	02	34
358/10	0	01	59
360/2	0	02	97
360/3	0	04	01
360/5	0	08	46
360/8	0	00	06
362/4	0	03	54
362/5	0	03	98
362/6	0	03	68
363/4	0	00	27
363/5	0	01	03
363/6	0	03	05
363/7	0	02	79
363/9	0	01	02
363/10	0	05	98
363/11	0	02	79
363/12	0	03	50
365/8	0	02	58
365/9	0	03	91
365/10	0	07	42
365/16	0	02	80

	366/3	0	03	90
	366/4	0	02	66
	366/5	0	03	88
	366/6	0	00	23
	366/7	0	01	76
	366/8	0	00	53
	366/9	0	05	26
	366/12	0	05	96
	391/1	0	04	42
	402/2	0	16	79
	402/3	0	02	78
	402/4	0	14	76
	403/2	0	00	07
	404/1	0	02	76
	404/2	0	03	05
	404/3	0	02	56
	404/4	0	03	76
	404/5	0	01	30
	404/8	0	07	78
KARUKUTTY	17/4	0	02	91
(BLOCK. No. 3)	35/2	0	44	74
	42/1	0	04	89
	42/2	0	00	30
	42/5	0	06	15
	42/6	0	06	40
	54/1	0	08	17
	54/2	0	03	94
	54/3	0	02	31
	54/8	0	05	18
	55/9	0	05	57
	55/18	0	01	78
	55/19	0	01	73
	55/20	0	01	58
	55/21	0	01	54
	59/3	0	06	66
	60/1	0	06	34

[F. No. R-31015/02/2015-OR-II/37114]

PAWAN KUMAR, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 27 सितम्बर, 2017

का.आ. 2401.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार निदेशक, पोमेग्रेनेट राष्ट्रीय अनुसंधान केंद्र, सोलापुर व अन्य एवं उनके कर्मचारी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, नं. II, मुंबई के पंचाट (संदर्भ संख्या 2/55 आफ 2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30.08.2017 को प्राप्त हुआ था।

[सं. एल-42012/54/2014-आईआर (डीयू)]

राजेन्द्र जोशी, उप निदेशक

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 27th September, 2017

S.O. 2401.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT 2/55 of 2014) of the Central Government Industrial Tribunal-cum-Labour Court No. II, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the Director, National Research Centre for Pomegranate, Solapur and Others and their workmen, which were received by the Central Government on 03.08.2017.

[No. L-42012/54/2014-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI****PRESENT : M.V. DESHPANDE**, Presiding Officer**REFERENCE NO. CGIT-2/55 of 2014****EMPLOYERS IN RELATION TO THE MANAGEMENT OF****(1) NATIONAL RESEARCH CENTRE FOR POMEGRANATE**

The Director
National Research Centre for Pomegranate
Near Solapur University
Solapur (MS).

(2) M/s. SWADESHI SECURITIES

M/s. Swadeshi Securities
96, Salgar Vasti
Dongaon Road
Solapur (MS).

AND**THEIR WORKMAN**

Shri Ranjit Nagnath Kamble
R/o. Kedgaon
Tal. North Solapur
Solapur, Maharashtra 413 002.

APPEARANCES:

FOR THE EMPLOYER NO.1 : Mr. S.P. Chinchwadkar, Advocate.

FOR THE EMPLOYER NO.2 : No appearance.

FOR THE WORKMAN : No appearance.

Mumbai, dated the 11th July, 2017.**AWARD**

The Government of India, Ministry of Labour & Employment by its Order No.L-42012/54/2014-IR (DU), dated 23.07.2014 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

“Whether the demand of the workman Shri Ranjit Nahnath Kamble for asking regularisation as an employee of National Research Centre for Pomegranate, Solapur is legal and justified? If yes to what relief the workman is entitled to?”

2. After receipt of the Reference, notices were served on both the parties. Matter was adjourned on several occasions for filing Statement of Claim by second party/ Workman. Second party/Workman neither appeared before this Tribunal nor filed Statement of claim. Without Statement of claim, the Reference cannot be decided on merits and the same deserves to be dismissed. Hence, I pass the following order:

ORDER

Reference stands dismissed for want of prosecution.

Dated : 11.07.2017

M. V. DESHPANDE, Presiding Officer

नई दिल्ली, 4 अक्टूबर, 2017

का.आ. 2402.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स भिलाई इस्पात संयंत्र के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 89/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03.10.2017 को प्राप्त हुआ था।

[सं. एल-26012/1/2009-आईआर (एम)]

राजेश कुमार, अवर सचिव

New Delhi, the 4th October, 2017

S.O. 2402.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 89/2009) of the Central Government Industrial Tribunal/Labour Court, Jabalpur now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. Bhilai Steel Plant and their workmen, which was received by the Central Government on 03.10.2017.

[No. L-26012/1/2009-IR (M)]

RAJESH KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/89/2009

The President,
Metal Mines Workers Union,
Dallirajhara,
Durg (CG)

...Workman/Union

Versus

Assistant General Manager (P Mines & ES),
Bhilai Steel Plant,
Bhilai, Durg (CG)

...Management

AWARD

Passed on this 6th day of July, 2017

1. As per letter dated 22-10-2009 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-26012/1/2009-IR(M). The dispute under reference relates to:

“Whether the management of Bhilai Steel Plant in their Dalli Manual Mines, Dallirajhara is justified in not changing the date of birth of Shri Data Ram P.No.872523 from 28-11-1955 to 15-7-1950 as demanded by President of Metal Mines Workers Union? To what relief the workman is entitled?”

2. After receiving reference, notices were issued to the parties. Ist party President of Metal Mines workers Union submitted statement of claim on behalf of workman Data Ram. Case of Union is Shri Data Ram is engaged in mine of 2nd party through contractor on 15-7-74. After departmentalization, respondent management posted workman at DPR vide order dated 31-5-96. Workman was working as Attendant at Dalli Manual Mines. Earlier contractor had orally engaged workman as labour on 15-7-74. The contractor had not called any documents about his educational qualifications. Workman was appointed as DPR unskilled on regular basis on 31-5-96 and his seniority had also been considered. At the time of absorbing workman as DPR, management did not call any documents relating to his qualification. Workman also not submitted any documents to the management. Appointment order was issued on 31-5-96. Then workman came to know that his date of birth was wrongly recorded 15-7-50 instead of 28-11-55. That he passed 8th standard examination in 1970, his date of birth was mentioned 28-11-55 in marksheet as well as transfer certificate.

3. It is submitted that workman had immediately approached management for correction of his date of birth in 1997. He submitted middle school transfer certificate along with his representation. Management had replied that on the basis of medical examination form filled by workman prior to departmentalization, his date of birth was mentioned 15-7-50. Said date of birth mentioned in Form B despite workman had not submitted any document to contractor. That workman had filled medical examination form. His signature was obtained on blank form. Workman was not aware on what basis contractor has mentioned his date of birth 15-7-1950. Workman submits that management did not give him opportunity of hearing or prove that his date of birth was 15-7-50. Management not corrected his date of birth workman was victimized without his fault. Procedure adopted by management amounts to victimization violating natural justice. On such ground, workman prays for correction of his date of birth.

4. 2nd party filed Written Statement opposing claim of workman. It is contented that as per terms of reference his date of birth is 28-11-55. The statement of claim submitted by Ist party is not as per terms of reference. Workman further submits that workman was engaged as contractual labour on 15-7-74 prior to departmentalization on 15-3-96. Workman declared his date of birth to 18-4-50. In all the documents Form B Register, service book- same date of birth was recorded. Age of workman would be only 14 years. It is reiterated as per his date of birth, notice of superannuation was received on 2-2-2010 and workman superannuated on 1-6-10. That Assistant General Manager (P-Mines and ES) impleaded as party to the reference. No such post is existing. However Written statement is submitted on behalf of Bhilai Steel Plant. It is reiterated that Data Ram was contractual labour, he was departmentalized as DPR on 31-5-96. Workman himself has declared his date of birth 15-7-50 at the time of departmentalization. 2nd party submits that it is responsibility of workman to prove that date of birth at time of appointment as contract labour and departmentalization. That Union raised dispute on behalf of workman at fag end of service on 11-4-08 is not tenable in view of circular dated 2-8-74. 2nd party prays claim of workman be rejected.

5. Workman filed rejoinder reiterating contentions in statement of claim.

6. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the management of Bhilai Steel Plant in their Dalli Manual Mines, Dallirajhara is justified in not changing the date of birth of Shri Data Ram P.No.872523 from 28-11-1955 to 15-7-1950 as demanded by President of Metal Mines Workers Union?	In Affirmative
(ii) If not, what relief the workman is entitled to?"	Workman is not entitled to any relief.

REASONS

7. The term of reference pertains to legality of not correct date of birth of Data Ram. Claim of workman is denied. Workman filed affidavit of his evidence supporting his contentions in statement of claim that his correct date of birth is 28-10-55. He was illegally retired on 31-7-200. In his cross-examination, workman says dispute is raised for correction of date of birth. Before working in Bhilai Steel Plant, he was not working at other place. He was working in mine from 1974 while he was working in Dalli Mines, his signature were obtained on blank paper. He not submitted document about his date of birth during 1974 to 1996, he was working under contractor. In 1996, after departmentalization, he received offer letter. At that time, he noticed his date of birth was incorrect. In 1997, he submitted application for his correction of date of birth. That he produced copy of the application. That dispute was raised about his date of birth before 2009. On medical examination, his signature was obtained, form was already filled. Document is marked

Exhibit M-1. Form was filled by him and handed over to clerk Mr. Paltu. In his re-examination, document Exhibit W-2 is admitted in evidence. In his further cross, workman says before working in Bhilai Steel Plant, he was working under contractor till 1995. He joined Bhilai Steel Plant on 31-5-96. He received Exhibit W-1,2 in 1970. Contractor did not ask him those documents therefore he did not give those documents therefore he did not give those documents to contractor or even Bhilai Steel Plant.

8. Management's witness Mahadeo filed affidavit of evidence supporting whole contentions in Written statement filed by management. That the date of birth of workman 8-4-50 was declared by workman himself. Workman had obtained licence on 16-2-72. His age was only 14 years. Documents Exhibit M-1 to M-11 are admitted from evidence of management's witness. In his cross, witness says he was appointed by management. His date of birth was recorded by management in Form B. that Form B remains in custody of Mines Manager. Any document was not called from management about his date of birth. After receiving Form B from contractor, any document about date of birth was not called from workman. After workman was appointed as regular employee in 1996, documents about his date of birth was called from him. Management's witness claims ignorance that the date of birth of workman in Form B register was written by oral information or on the basis of documents. Management's witness claims ignorance whether in 1997, workman submitted application for correction of date of birth along with School Leaving Certificate of 5th standard. He admits that service record of workman, his date of birth was shown as per Form B Register. Management's witness denied copy of Form B Register shown to him. Management's witness claims ignorance whether information in M-5 was not personally filed by workman.

9. Workman has not proved application for correction of his date of birth in Exhibit W-1 Marksheet and transfer certificate W-2 date of birth of workman is recorded 28-11-55. Workman had not submitted those documents either to contractor or management of Bhilai Steel Plant.

10. Document Exhibit M-3 Medical examination form, Service Book M-4, Attestation Form M-5 date of birth of workman is recorded 15-7-50. PF Form M-1, M-7 vehicle advance form and M-9, M-11 notice of superannuation, M-12 Form B. Documents produced by management Exhibit M-1 is Circular No. 87. Para 2(1) provides- Wherever the date of birth/ age of employees has already been established on the basis of any valid documents once produced such as Educational Certificate, Gram Panchayat Certificate or Service Certificate from the previous employer etc. the same should not be changed at all. Para-2 provides that personal data, service book, attestation form, application for admission to CPF etc. duly signed by the employee and accepted by the management, the same should be treated as final and no more change be allowed at a subsequent stage. Exhibit M-2 is circular dated 10-4-04- Para 3(ii) provides- No change in the date of birth shall be allowed if such requests are received from employees during the last 5 years of their service for any reason whatsoever. In Exhibit M-4,5 & 7, date of birth of workman is recorded 18-4-50. In Exhibit M-8, his date of birth is recorded 18-4-50. There is no cogent evidence that workman requested correction of his date of birth in 1997 or till his retirement. Exhibit M-11 is judgment by Civil Court in case of Kailash Nath Yadav which is not useful for deciding dispute between parties. Considering evidence and the circulars produced by management, claim of workman for correction of date of birth is not justified. For above reasons, I record my finding in Point No.1 in Affirmative.

11. In the result, award is passed as under:-

- (1) The action of the management of Bhilai Steel Plant is justified in not changing the date of birth of Shri Data Ram P.No.872523 from 28-11-1955 to 15-7-1950 is legal and proper.
- (2) Workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 4 अक्टूबर, 2017

का.आ. 2403.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स मैसूर मिनरल्स लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, बेंगलूर के पंचाट (संदर्भ संख्या 11/2007, 41/2007, 70/2007, 71/2007, 155/2007 एवं 39/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03.10.2017 को प्राप्त हुआ था।

[सं. एल-29012/04/2007-आईआर (एम),

सं. एल-29012/50/2006-आईआर (एम),

सं. एल-29012/06/2007-आईआर (एम),

सं. एल-29012/07/2007-आईआर (एम),

सं. एल-29012/43/2007-आईआर (एम),

सं. एल-29012/41/2008-आईआर (एम)]

राजेश कुमार, अवर सचिव

New Delhi, the 4th October, 2017

S.O. 2403.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 11/2007, 41/2007, 70/2007, 71/2007, 155/2007 & 39/2008) of the Central Government Industrial Tribunal/Labour Court, Bangalore now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. Mysore Minerals Limited and their workman, which was received by the Central Government on 03.10.2017.

[No. L-29012/04/2007-IR (M),

No. L-29012/50/2006-IR (M),

No. L-29012/06/2007-IR (M),

No. L-29012/07/2007-IR (M),

No. L-29012/43/2007-IR (M),

No. L-29012/41/2008-IR (M)]

RAJESH KUMAR, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BANGALORE**DATED : 22nd September, 2017**PRESENT :** Shri V. S. RAVI, Presiding Officer**COMMON AWARD****(i) C.R. No. 11/2007****I Party**

Sh. Ayyanna,
S/o Late Gaude Gowda,
Govindkere Village, Oblapura Post,
Bagur Hobli, Channarayapatna Taluk,
Hassan District.

II Party

The Managing Director,
Mysore Minerals Limited,
No. 39, M G Road,
Bangalore-560001

The Central Government vide Order No.L-29012/04/2007-IR(M) dated 27.02.2007 in exercise of the powers conferred by Clause (d) of Sub-Section (1) and Sub-Section2(A) of Section 10 of Industrial Dispute act, 1947 has made this reference for adjudication with following Schedule :

SCHEDULE

“Whether the management of Mysore Minerals Limited is justified in terminating the services of Sh. Ayyanna w.e.f. 27.06.1998? If not, to what relief the workman is entitled to?”

(ii) C.R. No. 41/2007**I Party**

Sh. H. Rangegowda,
S/o Sh. Huche Gowda,
B Hoshalli Bageshwara Post,
Arasikere Taluk, Gandasi Hobli,
Hassan District.

II Party

The Managing Director,
Mysore Minerals Limited,
No. 39, M G Road,
Bangalore-560001

The Central Government vide Order No. L-29012/50/2006-IR(M) dated 06.03.2007 in exercise of the powers conferred by Clause (d) of Sub-Section (1) and Sub-Section2(A) of Section 10 of Industrial Dispute act, 1947 has made this reference for adjudication with following Schedule :

SCHEDULE

“Whether the management of Mysore Minerals Limited is justified in terminating the service of Sh. H. Rangegowda with retrospective effect from 19.09.1998? If not, to what relief the workman is entitled to?”

(iii) C.R. No. 70/2007**I Party**

Smt. Lakkamma,
W/o Javaraiah,,
Jamboor Village & Post,
Nuggehalli Hobli, Channarayapatna Taluk,
Hassan District.

II Party

The Managing Director,
Mysore Minerals Limited,
No. 39, M G Road,
Bangalore-560001

The Central Government vide Order No. L-29012/06/2007-IR(M) dated 16.05.2007 in exercise of the powers conferred by Clause (d) of Sub-Section (1) and Sub-Section 2 (A) of Section 10 of Industrial Dispute act, 1947 has made this reference for adjudication with following Schedule :

SCHEDULE

“Whether the management of Mysore Minerals Limited is justified in terminating the services/premature superannuating of the services of Smt. Lakkamma w.e.f. 16.04.1998? If not, to what relief the workman is entitled to?”

(iv) C.R. No. 71/2007**I Party**

Smt. Lakshamma,
W/o Late M.H. Thimmegowda,
Muddanahalli Village, Jamboor Post,
Nuggehalli Hobli, Channarayapatna Taluk,
Hassan District.

II Party

The Managing Director,
Mysore Minerals Limited,
No. 39, M G Road,
Bangalore-560001

The Central Government vide Order No. L-29012/07/2007-IR(M) dated 16.05.2007 in exercise of the powers conferred by Clause (d) of Sub-Section (1) and Sub-Section 2(A) of Section 10 of Industrial Dispute Act, 1947 has made this reference for adjudication with following Schedule :

SCHEDULE

“Whether the management of Mysore Minerals Limited is justified in terminating the services/premature superannuating of the services of Smt. Lakshamma w.e.f. 22.05.1998? If not, to what relief the workman is entitled to?”

(v) C.R. No. 155/2007**I Party**

Sh. Shankaregowda,
S/o Late Siddappa,
Holegarehalli Village & Post,
Bagur Hobli, Chanarayapatna Taluk,
Hassan District.

II Party

The Managing Director,
Mysore Minerals Limited,
No. 39, M G Road,
Bangalore-560001

The Central Government vide Order No.L-29012/43/2007-IR(M) dated 03.12.2007 in exercise of the powers conferred by Clause (d) of Sub-Section (1) and Sub-Section 2(A) of Section 10 of Industrial Dispute act, 1947 has made this reference for adjudication with following Schedule :

SCHEDULE

“Whether the termination of Sh. Shankaregowda by the management of Mysore Minerals Limited w.e.f. 25.05.1998 is justified? If not, to what relief the workman is entitled to?”

(vi) C.R. No. 39/2008**I Party**

Smt. Nagamma,
S/o Late Jakkan Gowda,
Rajapur Village & Post,

II Party

The Managing Director,
Mysore Minerals Limited,
No. 39, M G Road,

Sandur Taluk, Bellary Dist.
Karnataka

Bangalore-560001

The Central Government vide Order No.L-29012/41/2008-IR(M) dated 02.04.2008 in exercise of the powers conferred by Clause (d) of Sub-Section (1) and Sub-Section 2(A) of Section 10 of Industrial Dispute act, 1947 has made this reference for adjudication with following Schedule :

SCHEDULE

“Whether the action of M/s Mysore Minerals Ltd. Bangalore in removal from service w.e.f 22.06.1998 in respect of Smt. Nagamma, W/o Late Jakkan Gowda, is justified? If not, to what relief the workman is entitled to?”

Appearance :

I party : M/s K.T. Govinde Gowda & Sh. C.G. Dileep Gowda, Advocates
II party : Mr. T. K. Vedamurthy & Mr. L. Venkatarama Reddy, Advocates

1. Brief details mentioned in the claim statement by I Party are as follows:-

- (i) In CR No. 11/2007, the I Party submits that on 02.05.1978, he has joined the service of the II Party management at its Mining Unit viz., Byrapura Chromite Mines, Channarayapatna Taluk, Hassan District, as a Watchman. At the time of joining the I Party has furnished his age as 29 years i.e., his date of birth being 02.05.1949. Further, the II Party, Byrapura Chromite Mines Officials, orally refused to allow the I Party to do his work w.e.f 27.06.1998. The I Party has raised the I.D. before the Assistant Labour Commissioner and Conciliation Officer (C), and the Central Government have referred the Reference in CR No.11/2007.
- (ii) In CR No. 41/2007, the I Party submits that during the year 1989, he has joined the service of the II Party management at its Mining Unit viz., Bageshwara Mines, Bageshwara Village and Post, Gandasi Hobli, Arasikere Taluk, Hassan District, as a Mazdoor. At the time of joining, the I Party has furnished his date of birth as 01.08.1966. Further, the II Party, Bageshwara Mines Officials, orally refused to allow the I Party to do his work w.e.f 19.09.1998. The I Party approached the II Party Officials of the Mines and they stated that, they have no intimation for starting the work in the mines and there is no definite period for continuation of Lay Off. The I Party has raised the I.D before the Assistant Labour Commissioner and Conciliation Officer (C), Hubli and the Central Government have referred the Reference in CR No. 41/2007.
- (iii) In CR No. 70/2007, the I Party submits that on 17.05.1981, she has joined the service of the II Party management at its Mining Unit viz., Jamboor Chromite Mines, Channarayapatna Taluk, Hassan District, as a Mining Worker. At the time of joining the I Party has furnished her age as 28 years i.e., her date of birth being 17.05.1953. Further, the II Party, Jamboor Chromite Mines Officials, orally refused to allow the I Party to do her work w.e.f 16.04.1998. The I Party has raised the I.D before the Assistant Labour Commissioner and Conciliation Officer (C), Hubli and the Central Government have referred the Reference in CR No. 70/2007.
- (iv) In CR No. 71/2007, the I Party submits that on 12.07.1980, she has joined the service of the II Party management at its Mining Unit viz., Jamboor Chromite Mines, Channarayapatna Taluk, Hassan District, as a Mining Worker. At the time of joining the I Party has furnished her age as 24 years i.e., her date of birth being 12.07.1956. Further, the II Party, Jamboor Mines Officials, orally refused to allow the I Party to do her work w.e.f 22.05.1998. The I Party has raised the I.D before the Assistant Labour Commissioner and Conciliation Officer (C), Hubli and the Central Government have referred the Reference in CR No. 71/2007.
- (v) In CR No. 155/2007, the I Party submits that on 01.07.1986, he has joined the service of the II Party management at its Mining Unit viz., Haladahalli Chromite Mines, Arasikere Taluk, Hassan District, as a Mining worker. At the time of joining the I Party has furnished his age as 30 years i.e., his date of birth being 23.12.1956. Further, the II Party, Haladahalli Mines Officials, orally refused to allow the I Party to do his work w.e.f. 25.05.1998. The I Party has raised the I.D before the Assistant Labour Commissioner and Conciliation Officer (C), Hubli and the Central Government have referred the Reference in CR No. 155/2007.
- (vi) In CR No. 39/2008, the I Party submits that on 02.03.1982, she has joined the service of the II Party management at its Mining Unit viz., Hublagandi Iron Ore Mines and later on transferred to

Thimmappanagudi Iron Ore Mines, Sandur Taluk, Bellary District, as a Mining worker. At the time of joining the I Party has furnished her age as 36 years i.e., her date of birth being 15.01.1946. Further, the II Party, Thimmappanagudi Iron Ore Mines Officials, orally refused to allow the I Party to do her work w.e.f. 22.06.1998. The I Party has raised the I.D before the Assistant Labour Commissioner and Conciliation Officer (C), Hubli and the Central Government have referred the Reference in CR No. 39/2008.

2. Brief Common details mentioned on behalf of I Party are as follows:-

The date of birth of the I Party, in fact, has been entered in all the statutory records like EPF, B-register and Service records, etc. The I Party is entitled to continue in the service with the II Party up to the reaching of the age of superannuation i.e., 58 years in the II Party Organization. The II Party by way of an eye wash conducted the so called illegal Medical Examination for the purpose of removing the I Party from the service before reaching the age of superannuation. Further, the II Party has terminated the I Party on the plea that the I Party has reached the superannuation age of 58 years as per the so called illegal Medical Examination. After illegal termination, the I Party has faced unemployment problem and financial hardship, not only by I Party but also the family members of I Party. The entire family has depended only upon the earnings of the I Party in the II Party Organization. The II Party/Management similarly, has, prematurely, retired the co-workers of the I Party on the ground of Medical unfitness and also as per the age certificate, issued by the Medical Officer. The said co-workers have challenged their premature retirement and the age certification, before the Hon'ble High Court of Karnataka, viz.,

- (i) Writ Petition No. 5615/2001 between Smt. K.Dundamma Vs MML, and the same Management of II Party challenged the same in Writ Appeal No. 3460/2001 C/W W.No. 3459/2001. The said Appeal has been rejected on 12.06.2002 confirming the single Judge order dated 29.03.2001. In view of the said decision the Management, reinstated the above mentioned pre-matured retired employee with payment of back wages, and with continuity of service thereon.
- (ii) Writ Petition No. 26101/2001, C/W W.P. Nos.23798/2001, 23797/2001 & 23794/2001 filed by Sri V.C. Range Gowda and 8 others Vs MML, and the same have been allowed on 01.06.2006.

On account of the illegal payment and other lapses, in the Management of II Party, it has to face administrative problems. The II Party adopted its own tactics, ways and means for terminating the Mining Workers in short cut methods and also, in an illegal and irregular manner by adopting anti-labour and un-fair labour practice and victimized the I Party and other co-workers by removing them enmasse by resorting to the so-called Medical Examination during the year 1998 in illegal and irregular manner, without disclosing the true fact, to the I Party and also without notifying the so-called Medical Examination, i.e., not by a Doctor of a Rank of Assistant Civil Surgeon as defined in Rule 29-C of the Mines Rules 1995. Hence, the so-called Medical Examination conducted by the II Party is illegal and irregular, and the same is not having any legal sanctity and not sustainable in law, as it is violative of Rule 29-C. The I Party has repeatedly requested the officials of the II Party to provide the work to I Party till reaching the age of superannuation i.e., 58 years. But all the efforts made by I Party to persuade the II Party to take the I Party, on duty, proved in vain because of hostile and vindictive attitude on the part of the II Party. The II Party has no right to refuse the employment to the I Party or to remove the name of the I Party from the muster rolls in the unilateral manner, without following the due process of Law. The II Party used the above illegal, imaginary, hypothetical and unscientific Medical report, as its tool for unilaterally deciding the age of I Party and other workers. The II Party unilaterally refused employment to the I Party before the age of superannuation even though the I Party is hale and healthy and entitled to work, up to the reaching of the age of superannuation i.e., 58 years. The II Party has not followed the Mandatory provision of Section 25 F, G, H & N of the Industrial Dispute Act, 1947 and Rules 78 and 79 thereon, and the action of the Management is, therefore, void-ab-initio as laid by the Hon'ble Supreme Court of India in the case Sundaramani Vs State Bank of India, Santhosh Gupta Vs State Bank of Patiala, Rober D'Souza Vs Southern Railway, K.S.R.T.C. Bangalore Vs Boraiaha and others and also the same is violative of the Provisions of Industrial Dispute Act, 1947. The II Party has un-necessarily created hardship to the I Party by not providing employment. The II Party Management is not justified in retrenching the services of the I Party in the summary manner without following the principals of Natural justice and fair play. Further, apart from the violation of various provisions of the I.D. Act as stated above, the II Party violated its own Certified Standing Orders. The II Party acted contrary to its own Certified Standing Orders/Service Rules for effecting the prematured, superannuation by way of illegal termination. The I Party submits that, the II Party failed to issue 3 months prior notice or tendered payment of 3 months salary to the I Party before termination of service of the I Party under Rule 24. The I Party belongs to socially and economically weaker section and also, the I Party is the Rural based worker and used to work in Mines, which is in a remote place of the village and the I Party is also an illiterate worker belonging to Economically weaker section & not a matching party to fight against the II Party for the injustice done by the II Party. The I Party is facing financial hardship and mental agony due to stoppage of his/her monthly earnings in the II Party organization and also, due to illegal termination. Also, the I Party is not able to maintain himself and the family with day to day, food and basic needs. The I Party has faced the financial hardship to reach the

Labour Department like Assistant Labour Commissioner and Conciliation Officer (C), Hubli from I Party's place, for raising the dispute and also, to set right the I Party's grievances. The Officials of the II Party/Management have taken undue advantage of I Party's poverty, illiteracy, economic weakness and social weakness. Ultimately with great hardship, mental agony and with the help of well wishers, the I Party has raised the I.D before the Assistant Labour Commissioner and Conciliation Officer (C), Hubli. The I Party is entitled for back wages, continuity of service and other consequential benefits from the date of refusal of employment. The II Party has violated the Provisions of I.D. Act as well as its own Certified Standing Orders/Service Rules as stated above. Under the I.D. Act there is no limitation prescribed for raising the dispute and the Article 137 of Schedule to the limitation Act is not applicable to proceedings under I.D. Act. This point is repeatedly decided by the Hon'ble Supreme Court of India and Hon'ble High Courts of various states namely,

- (i) LLJ-II-2001-pg788-792 [SC], Sapan kumar Pandit Vs U.P. State Electricity Board and others.
- (ii) LLJ-I-1999-pg 1260-1265 [SC], Ajaib Singh Vs Sirhind Co-operative Marketing-cum-processing Service Society.
- (iii) LLJ-II-1999-pg-482-483[SC], Mahavir Singh Vs U.P. State Electricity Board and others.
- (iv) LLJ-I-2003-pg 412-414 [MP], Ramadhar Tiwari Vs Union of India and others.
- (v) LLJ-I-1994-pg 468-471 [All], U.P. State Spinning Mills Co. Vs State of U.P & Others.
- (vi) LLJ-II-2003-pg 1143-1145[Ori], Management of Aska Co-operative Central Bank Ltd. Vs State of Orissa.
- (vii) LLJ-I-2002-pg-204-206 [Mad], E.E. Construction Division 2, Mannarpuram, Trichy and Another Vs M.Gajapathy and Another
- (viii) LLJ-I-2002-pg-1079-1081[Del], Mangal Singh Vs Presiding Officer, Industrial Tribunal No.1, Delhi and Another
- (ix) LLJ-I-2002-pg-1129-1132[Bom], Haribhau S/o. Gaman Waghchaure Vs State of Maharastra and Another.

Therefore, the I Party prays this Court to pass an award by holding that the action of the II Party Management is not justified in terminating the services of I Party, namely, prematured superannuation of the services of the I Party and also to direct the II Party to reinstate the I Party, with continuity of service, with payment of Full back wages and other consequential benefits from the date of termination till providing employment/reaching the age of superannuation as per the date of birth details registered in the Statutory records like B-register and EPF records and Service records maintained by the II Party and EPF Authorities and to pay the interest at the rate of 18% from the said due date and also, up to the date of payment and further award of cost of the present proceedings, in the interest of justice and also, equity.

3. Brief Common submissions made on behalf of II Party in the counter statement are as follows:-

The II Party states that, the dispute raised by the I Party is time barred and belated, and filed after the lapse of time. Further, the I Party has waited for the result in the case filed by the co-workers, who approached Hon'ble High Court of Karnataka. The success of co-worker of I Party in W.P. No. 5615/2001 and 26101/2001 before Hon'ble High Court of Karnataka inspired the I Party to file this dispute after the lapse of time. Hence, the conduct of the I Party does not deserve any relief at the hands of this Tribunal. Further, the II Party states that, the dispute raised by the I Party is liable to be dismissed on the ground of delay and laches, since the claim made by the I Party is stale and time barred. The II Party has conducted the Medical Examination and the said expert team have examined the I Party and found that, the I Party is not capable to work in a mine, in view of the fact that, the I Party has already reached the age of more than 58 years, as on the date of Medical Examination. Further, as per the decision of Management, I Party has been terminated and also given opportunity to prefer an appeal before Appellate Medical Board within 30 days, if the I Party is aggrieved by the said Medical Report. The I Party, who has amicably received the terminal benefits from the II Party, has no right to raise present dispute, after the lapse of time, at the instigation, for the wrongful gain. It is relevant to submit that, the dispute referred by Government of India is itself not maintainable in law. Hence, there is no Industrial Dispute existed or is apprehended. The Medical Examination has been conducted in Scientific Manner on thorough investigation. The I Party is not entitled for any benefits as per law. The I Party is happily working elsewhere since from the date of termination. Further, the statement of the I Party that, the II Party officials failed to consider the reasonable request of the I Party is totally incorrect and false. In fact, the I Party is employed elsewhere and earning salary. The I Party has filed this dispute only for wrongful gain, at the instigation of well-wishers, as admitted by the I Party in the claim statement. The II Party has not acted illegally or arbitrarily. Therefore, the II Party prays to dismiss the dispute filed by the I Party with exemplary costs, in the interest of justice and equity.

4. Already this Court has passed common award dated 27.08.2014. Thereafter, in Writ Petition the Hon'ble Karnataka High Court, has passed the following Order:- "The matter is remanded to the Central Government Industrial Tribunal Cum- Labour Court for fresh adjudication of the dispute. The Tribunal shall decide the dispute after giving notice to all the parties and pass an award in accordance with law. All the contentions of both the parties are left open." Further, notices have been sent for both sides and additional evidence recorded and arguments heard and after the careful perusal and appreciation of material records in the proper perspective the present Common Award is passed.

5. The crucial points/issues that arise for consideration in the present matter are as follows:-

- (i) Whether the present claim has to be rejected on the ground of delay and laches as submitted by the II Party?
- (ii) Whether the I Party has to prefer an appeal as against the medical certificate issued by the medical officer as submitted by the II Party in the counter statement?
- (iii) Whether after the receipt of the terminal benefits, the I Party cannot raise any dispute in the present case?
- (iv) Whether the I Party is entitled to get the relief as claimed in the claim statement, after the careful appreciation of the evidences adduced and documents produced by both the parties, in proper perspective?

6. Analysis, Discussion and Findings with regard to the above mentioned point/issue No. 1:-

The I Party has clearly stated in the claim statement itself, and also in the deposition that, I Party belongs to socially and economically weaker section, and the I Party is the rural based worker, and used to work in mines which is in a remote place of a village and I Party is also an illiterate worker, belonging to economically weaker section, and not a fit person, to fight against the II Party and the I Party has repeatedly requested the officials of II Party mines for permitting the I Party to work and also, due to I Party's acute poverty, I Party has faced huge financial hardship to reach the Labour Department like Assistant Labour Commissioner and Conciliation Officer (C), Hubli from I Party's place, for raising the dispute and also, to set right I Party's grievances and in such circumstances, only the delay has happened for raising the dispute and the delay caused is not intentional and deliberate one, but only due to the above mentioned various reasons. The II Party has not specifically denied the above mentioned statements made by the I Party in the claim statement. Further, the I Party has also stated that, the officials of the II Party/Management have taken undue advantage of I Party's poverty, illiteracy, economic and social weakness by way of refusing employment, and also, after knowing fully, that the I Party is most incapable in approaching the Labour Authority for redressal of the I Party's grievances. The said details are also not specifically disputed by the II Party. Further, I Party has clearly stated in the claim statement that ultimately with great hardship, mental agony and with the help of well wishers, the I Party has raised the I.D before the Assistant Labour Commissioner and Conciliation Officer (C), Hubli and the present central reference has been made to this Court by the Government of India, as per the above mentioned details. The said submissions made on behalf of I Party are also not specifically disputed on behalf of the II Party. On the other hand, the Assistant Manager of II Party, namely MW-1, has categorically admitted in his evidence that, I Party is an illiterate person. Further, the I Party has filed copies of Order passed in W.P. No. 5615/2001 dated 29.03.2001, W.A. No. 3460/01 c/w W.A. No. 3459/01 dated 12.06.2002 and W.P. No. 26101/01 c/w W.P. Nos. 23798/01, 23797/01 & 23794/01 dated 01.06.2006, as exhibits marked herein below and also MW-1 has admitted in his evidence that the success of the said co-workers in the said Writ Petition and Writ Appeal has inspired the I Party to file the present reference. In the above mentioned facts and circumstances, it is seen that, the I Party is justified in claiming the legal and statutory rights and benefits, due to the unlawful and illegal ways and means followed by the II Party to terminate the service of I Party, without following the principles of natural justice.

7. Further, the I Party has pointed out, in the claim statement, itself that, there is no limitation prescribed for raising the dispute and Article 137 Schedule of the Industrial Dispute Act is not applicable to the present case. Further, the Hon'ble Supreme Court of India, dated 03.12.2010, Mr. Hon'ble Justice. P. Sathasivam and Mr. Hon'ble Justice B.S. Chauhan, in Civil Appeal No. 10231/2010, between Kuldeep Singh Vs G.M, Instrument Design Development and Facilities Centre and Another, it is clearly held as follows:- "The Labour Court dismissed the claim of the appellant on ground of delay (of five and half years) in raising the dispute. The High Court confirmed the Labour Court's award. Hence this present appeal. The impugned award was set aside with costs of Rs. 50,000 to be paid by respondent-management to appellant." The Hon'ble Supreme Court observed that, there is no time limit prescribed for reference under section 10 of the Industrial Dispute Act, 1947. In the present case also, on a careful perusal of above said peculiar facts and vital circumstances and also due to the fact that, the I Party is facing poverty, illiteracy, economic and social weakness and also in the light of the above mentioned various citations, mentioned in the claim statement, it is seen that, the II Party is not justified in raising the objection to the effect that present reference is not maintainable, due to the delay and laches. The I Party in the claim statement as well as in the evidence has pointed out that, the I

Party is an illiterate and the I Party has repeatedly requested the II Party officials to provide employment in the II Party Organisation. Further, the MW-1, namely the Assistant Manager of the II Party has also admitted that I Party is an illiterate person and it is true to suggest that in the mines there is no shelter from sun and rain and it is true to suggest that there is no health unit and it is true to suggest that, the working conditions as per the mining act have not been provided at the mines. In such circumstances, it is crystal clear that, II Party has not provided the basic and statutory and also necessary facilities, for the proper working conditions and also, for the welfare of the I Party workers.

8. Further, Industrial Dispute Act is a social legislation brought into existence after various Industrial Revolutions, stage by stage and the said act has been enacted to provide minimum and basic facilities for workman and protect his/her employment. Further, II Party cannot take the super technical submission of delay and laches as a protective shield to cover up their lapses and violation of laws. Further, it is the well settled law that, I Party can initiate proceedings for the alleged illegal termination of services of workman en-mass by the II Party. Further, for the effective implementation of the Labour enactment and protecting the interest of workman only the Government have created a Labour Department. Further, it is very pertinent to point out that, the present reference is made by the Government of India, Ministry of Labour with the above mentioned schedule. Hence, this Court is bound to pass appropriate award in accordance with law based upon the facts and circumstances of the present matter. The II Party/Management cannot take super technical and hyper technical measures, so as to avoid payment of the legitimate amounts, payable to the I Party/Workman. Further, it is clearly held in the judgment reported in 1995-II-LLJ 835, between H.S. Vasantsenaiah Vs The Divisional Controller, K.S.R.T.C & Anothers, as follows:- “Delay in approaching the Labour Court- No ground to deny back wages and other consequential benefits.”

9. Further, it is held in the judgment reported in 1999-LLJ-II-pg 482-483 [SC], between Mahavir Singh Vs U.P. State Electricity Board and others, as follows:- “Delay in raising dispute – Labour Court finding termination of workman’s service illegal-reference could not be rejected.” Also in the judgment reported in 2003-LLJ-I-pg 412-414 [MP], between Ramadhar Tiwari Vs Union of India and others, it is clearly held as follows:- “No limitation laid down for raising dispute under statute - dispute raised after about 5 years - not one which could be refused on ground of delay.” Again, in the judgment reported in 1994-LLJ-I-pg 468-471 [All], between U.P. State Spinning Mills Co. Vs State of U.P and others, it is specifically held as follows:- “Lapse of 11 years between raising a dispute and making reference does not lose the character of industrial dispute.” Further, in the judgment reported in 2002-LLJ-I-pg 1079-1081 [Del], between Mangal Singh Vs Presiding Officer, Industrial Tribunal No.1, Delhi and another, it is clearly held as follows:- “Relief under Industrial Dispute Act, 1947 not to be denied to workman merely on ground of delay.” Also, in the judgment reported in 2002-LLJ-I-pg 1129-1132 [Bom], between Haribhau S/o. Gaman Waghchaure Vs State of Maharashtra and another, it is clearly held as follows:- “Limitation Act does not apply to proceedings under Industrial Dispute Act, 1947- If plea of delay be raised, employer to show real prejudice caused by delay and not rely on it as mere hypothetical defense.” In the present case also, considering the above mentioned socio-economic conditions, poverty and illiteracy, of the I Party, it is found that, the appropriate relief, in accordance with law has to be granted to the workman and the same cannot be denied, as per the mere hypothetical defence taken by the II Party regarding the delay and in fact, the II Party has not established the real prejudice caused by the said delay.

10. Further, in the judgment in the case of Basti Sugar Mills Co. Ltd. Vs State of U.P., (1979) 2 SCC 88, by V. Kishna Iyer, J., it is pointed out as follows:- “Industrial Jurisprudence does not brook nice nuances and tortuous technicalities to stand in the way of just solutions reached in a rough and ready manner. Grim and grimy life-situations have no time for the finer manners of elegant jurisprudence.” Thus, the process of industrial adjudication is an onerous task being guided by the constitutional mandates and aiming at settlement of the industrial dispute on a fair and just basis, tested on the touchstone of social and economic justice. When an industrial dispute is raised, it is a commotion to be pacified by dispensing justice. In such adjudication, not just the right to equality and other Constitutional guarantees, but the aims and ideals of the Constitution enter into the consideration. It is the duty of the Courts to apply directive principles in interpreting the Constitution and the laws. Also, it is reported in Lloyds Bank Ltd Vs. Bundy, (1974) 3 All ER 757 that Lord Denning first clearly enunciated his theory of “inequality of bargaining power”. His Lordship began his discussion on this part of the case by stating (at page 763): “There are cases in our books in which the courts will set aside a contract, or a transfer of property, when the parties have not met on equal terms, when the one is so strong in bargaining power and the other so weak that, as a matter of common fairness, it is not right that the strong should be allowed to push the weak to the wall.” In the present case also, it is seen that, the II Party has clearly admitted in the counter statement that, the success of the co-workers of I Party in W.P. No. 5615/2001 dated 29.03.2001, W.A. No. 3460/01 c/w W.A. No. 3459/01 dated 12.06.2002 and W.P. No. 26101/01 c/w W.P. Nos. 23798/01, 23797/01 & 23794/01 dated 01.06.2006, has inspired the I Party to file the present reference and in fact, the I Party has specifically pointed out in the claim statement and evidence that, the I Party is an illiterate person and the I Party is facing poverty, economic and social weakness and the I Party has repeatedly requested the II Party officials to provide employment to the I Party and Assistant Manager of II Party MW-1 has also admitted in his evidence that, I Party is an illiterate person and also the II Party has not established the real prejudice caused to the II Party, by the said delay.

11. Further, the Hon'ble High Court of Karnataka, in W.P. No. 9974/2006 (L-TER) dated 07.01.2015, (Before Mr. Hon'ble Chief Justice D.H. Waghela and Mr. Hon'ble Justice Budihal. R. B), in the case of The Management of National Aerospace Laboratories Vs Engineering & General Workers Union and the Managing Directors, it is particularly held as follows:- "The jurisdiction of an Industrial Tribunal, therefore, is expansive and creative and not restricted to only enforcing or interpreting the contract of service or the extant legal provisions and it is not-fettered by the limitations of contracts and can even involve extension of existing agreement of the making of a new one, or in general, creation of new obligations or modification of old ones." In the present case also, for the above mentioned facts and circumstances it is found that, I Party is entitled to get appropriate relief, in accordance with law, and the II Party is not justified in raising the objection on the ground of delay and laches, as per the said jurisdiction of the present Court. Thus, the point is answered in favour of the I Party.

12. Analysis, Discussion and Findings with regard to the above mentioned point/issue No. 2:-

The MW-1 the Assistant Manger of II Party, who has given evidence on behalf of II Party has admitted that, it is true to suggest that, there is no health unit and the working conditions as per the mining act have not been provided at the Mines. The said admission is also clinchingly established the various above mentioned allegation made as against the II Party. Further, MW-1 has admitted that, it is true to suggest that, as per the provisions of the mining act there should be a qualified doctor to attend the I Party workers at the mining site. If it is so, then there is no need for the II Party to get the doctor from Hatti Gold Mines and to subject the I Party to medical examination. On that ground only, I Party has clearly stated in the claim statement that, as per the illegal medical certificate, the social and economic weaker section person of the I Party has been refused to continue the work by the II Party.

13. Further, MW-1 namely, the Assistant Manager of II Party/Management has admitted that the II Party company has suffered loss of 21 crores due to mis-management and it is also true to suggest that, due to the said mis-management, the financial crisis has occurred and it is true to suggest, having suffered the said loss the management thought of reducing the number of workers and it is true to suggest that, the Management ordered for medical examination of all the mining workers. For the said reasons only, I Party has categorically stated in the claim statement that, II Party has suffered huge loss due to mis-management and in the way of reducing the number of workers they have conducted illegal medical examination and terminated several workers including I Party. Further, MW-1 admitted that, to examine the workers doctors, have come from Hatti Gold Mines Ltd. However, he has admitted, that he does not know the names and qualifications of those doctors.

14. Further, in the counter statement the II Party has stated that, the I Party has been given opportunity to prefer an appeal before Appellate Medical Board within 30 days, if the I Party is aggrieved by the Medical Report. However, the MW-1 has categorically admitted that, it is true to suggest that, they have not produced the Medical certificate issued by the Doctor who has examined the I Party health condition and it is also true to suggest that, the Medical Form 'O' is in English language. At the same time, the MW-1 has admitted that, I Party workers are illiterate workers. Hence, it is found that the said medical certificate has not been issued in the language known to the workers/I Party and also not understood by the I Party and in fact, the said medical certificate is also not submitted to this Court by the II Party. In such circumstances, it is too much on the part of II Party to content that I Party has got the appeal remedy as per the medical certificate and the workers have not availed the appeal remedy and hence they cannot file the present case before this Court. Further, MW-1 has admitted in his evidence that, the Doctors have not conducted the medical examination in his presence and he does not know in what respect the I Party has been found unfit to continue in service and he has to verify in the office whether copy of notice issued to I Party after medical examination or acknowledgement regarding service of notice on the I Party is available or not. So, the MW-1 has not produced the relevant records to establish that, after medical examination, proper record has been issued to I Party to appeal before 30 days. On the other hand, MW-1 has categorically admitted that, II Party has not produced the Medical certificate issued by the Doctor who has examined the I Party. Above all, MW-1 has admitted that, it is true to suggest that, I Party has not been issued with charge sheet and no enquiry has been conducted before the termination of his service. The said categorical admission of MW-1 shows that, II Party has not terminated the I Party as per the principles of natural justice.

15. Further, MW-1 has admitted that, it is true to suggest that as per the clause 18 and 24 any termination has to be followed by enquiry along with 3 months notice pay. However, MW-1 has admitted that, I Party has not been issued with charge sheet and also, enquiry has been conducted. Hence, it is crystal clear that, II Party has not terminated the I Party in accordance with law. Further, MW-1 has admitted that, termination order has not been attached with copy of Medical Certificate pertaining to I Party. Furthermore, MW-1 has admitted that, he does not know in what respect the Medical Officer opined that, the I Party is being medically unfit. Further, MW-1 has admitted that, it is true that, II Party has not taken any permission from Labour Ministry or Labour Secretary under the provisions of I.D. Act for terminating services of several employees on the basis of medical grounds. Further, MW-1 has specifically admitted in his evidence that, it is true to suggest that I Party is the illiterate person and it is true to suggest that company has not furnished to the I Party the Kannada Version/translation of Medical Certificate which is in English and the company

has enhanced the age of employees to 60 years w.e.f. 17.07.2008. In the light of the above mentioned facts and circumstances it is found that, the II Party is not justified in submitting that, the I Party has to prefer only the appeal as against the medical certificate issued by the medical officer. Thus, the point/issue is answered as against the II Party.

16. Analysis, Discussion and Findings with regard to the above mentioned point/issue No. 3:- The I Party has stated in the claim statement that, he is entitled to work till attending the age of superannuation and the I Party's actual date of birth is registered in EPF, B-register and Service records, etc and suddenly, the II Party has refused to provide employment to the I Party, as per the so-called illegal medical examination and the co-workers have challenged there pre-matured retirements and age certification before the Hon'ble High Court of Karnataka, viz.,

- (i) Writ Petition No. 5615/2001 between Smt. K.Dundamma Vs MML, and the same Management of II Party challenged the same in Writ Appeal No. 3460/2001 C/W W.No. 3459/2001. The said Appeal has been rejected on 12.06.2002 confirming the single Judge order dated 29.03.2001. In view of the said decision the Management reinstated the above mentioned pre-matured retired employee with payment of back wages, with continuity of service thereon.
- (ii) Writ Petition No. 26101/2001, C/W W.P. Nos. 23798/2001, 23797/2001 & 23794/2001 filed by Sri V.C. Range Gowda and 8 others Vs MML, and the same has been allowed on 01.06.2006. The MW-1, the Assistant Manager of II Party has also admitted the said details, in his evidence. Further, the I Party has specifically pointed out that, on account of administrative problems faced by the II Party, the II Party adopted its own tactics, ways and means for terminating the Mining Workers in short cut methods and also, in an illegal and irregular manner by adopting anti-labour and un-fair labour practice and victimized the I Party and other co-workers by removing them enmasse by resorting to so-called Medical Examination during the year 1998 in illegal and irregular manner, without disclosing the true fact, to the I Party and also without notifying the so-called Medical Report i.e., not by a Doctor of a Rank of Assistant Civil Surgeon as defined in Rule 29-C of the Mines Rules 1995 and hence, the so-called Medical Examination conducted by the II Party is illegal and irregular, and the same is not having any legal sanctity and not sustainable in law as it is violative of Rule 29-C. The MW-1, Assistant Manager of II Party has candidly admitted in his evidence that, due to mis-management, the II Party has suffered administrative problems, and hence, the II Party has decided to terminate the services of the I Party workers.

17. Further, it is specifically pointed out by the I Party that, II Party has no right to refuse the employment to the I Party without following the due process of Law and the II Party used the illegal, imaginary, hypothetical and unscientific Medical report as its tool for unilaterally deciding the age of I Party and other workers even though the correct age is mentioned in the EPF, B-register and Service records, and I Party is hale and healthy and entitled to work up to the age of superannuation. In the evidence also, I Party has stated the said details mentioned in the claim statement. Further, in the cross examination, I Party has clearly pointed out that, it is not true to suggest that, as per the request made by the union the II Party subjected the I Party to medical check up and found the I Party unfit to continue in service. In the additional evidence also, the I Party has pointed out that, it is not true to suggest that as on termination, all amounts due to I Party have been received and the I Party has filed the present case, without any justification. Further, the II Party has also not produced any relevant records, to establish that, the II Party has paid all the amounts due to I Party as on the date of termination. Further, it is observed in the judgment reported in 1984-I-LLJ 388(SC) as follows:- "Acceptance of retirement benefits – Acceptance of retirement benefits by the workmen concerned – Whether precluded from raising Industrial Disputes Challenging Orders of retirement. On the materials placed by the management, held, neither a case of acquiescence nor a case of waiver on the part of workmen was made out – Held, the workmen were entitled to wages for the period between the dates of retirement and the dates of their reaching the age of 58 years." Also, in the judgment reported in 1997-II-LLJ 228(SC) it is held as follows:- "There is no statutory estoppels in favour of the Officer." Further, it is the settled law that, there is no estoppel as against the statutory rights/benefits, which the I Party/workman is entitled to get under the provisions of the Industrial Disputes Act, 1947 and the II Party has also not established that, the action has been taken by the II Party as against the I Party, as per the principles of natural justice and also, as per the procedure and practice to be followed in accordance with law. In the light of the above mentioned reasons, facts and circumstances it is found that, the II Party is not justified in submitting that, after the receipt of the terminal benefits the I Party cannot raise any dispute in the present case and thus, the point/issue is answered as against the II Party.

18. Analysis, Discussion and Findings with regard to the above mentioned point/issue No. 4:-

The I Party has categorically stated that, due to mis-management the II Party has suffered a loss and hence, the II Party has found its own tactics, ways and means for terminating the mines workers in short cut methods and also in an illegal and irregular manner by adopting anti-labour and un-fair labour practice and victimized the I Party and other co-workers by removing them enmasse by resorting to so-called Medical Examination during the year 1998 in illegal

and irregular manner. Further, MW-1 has admitted in his evidence that the II Party has entrusted the work to private party in spite of availability of technical persons and machinery in the year 1995-1996 and hence, the II Party company has suffered a loss of about Rs. 21 crores and it is also true to suggest that, due to said mis-management the financial crisis occurred and also it is true to suggest that, having suffered the said loss the management thought of reducing the number of workers. Hence, it is clear that, the MW-1 of II Party has also admitted the said submissions made by the I Party in the claim statement. Further, MW-1 has admitted that, he cannot right now give the date, month and year of notice served to I Party and it is true to suggest that, I Party has not been issued with charged sheet and no enquiry has been conducted before the termination of the I Party. Further, MW-1, admitted that, it is true to suggest that as per the clause 18 and 24 any termination has to be followed by enquiry along with 3 months notice pay. However, MW-1 has clearly admitted that 3 months notice pay has not been paid to the I Party by the II Party.

19. Further, MW-1 has admitted in his evidence that, it is true to suggest that, there is Statutory Report, B Register and Provident Fund Register. Further, I Party has categorically stated that, the date of birth has been entered in the Statutory Report, B Register and Provident Fund Register and the II Party without any valid reasons pre-maturedly terminated the service of the I Party. Further, the date of birth of I Party mentioned in the claim statement is the same as mentioned in the employees register, which is marked as Ex M-1. Also, the Circular relating to, enhancing the superannuation age from 58 years to 60 years to the workers of II Party, is applicable only to persons who are in employment as on 17.07.2008. Further, MW-1 has clearly admitted that, it is true to suggest that, as per Clause 18.3 of CDPR rules, the changes in the date of birth, as entered in the company record, can only effected on a judgment of a competent Court and except on a judgment of a Court, the date of birth once recorded, will not be changed at the request of the Officer/Employee under any circumstances. For that reason only, I Party has clearly stated that, the II Party has terminated the service of I Party pre-maturedly without any valid reasons. Further, the act of the II Party, certainly, is not proper and legal and also, no valid reasons have been furnished by the II Party for not producing the medical certificate issued to the I Party by the II Party and no valid reason has been furnished by the II Party, as to what prevented the II Party in not following the principles of natural justice and also for not producing the material records, though they are very important records, to prove the aforesaid details mentioned in the counter statement filed on behalf of II Party. Further, on the careful perusal of material records mentioned in the Exhibits list, it is seen that, II Party has refused to provide work to the I Party without following the due process of law. Further, it is found that, there is discrimination and also violation of fundamental right caused to the I Party and it is not proper and also, not legal to give forceful retirement to I Party, by the II Party, without following the due process of law.

20. Further, it is seen that, the II Party has not terminated the service of the I Party as per the Principles of Preponderance of Probability. Further, no injustice can be caused by the II Party to the I Party and I Party cannot be victimized due to the actions of the II Party without any valid reasons. Further, it is relevant to mention that, the I Party/workman has been punished by II Party without adopting the procedure known under law. Further, the underlying aim and object of adjudication of an Industrial Dispute is, in effect, dispensation of social and economic justice and translating fundamental rights as well as directive principles into some tangible relief. The ultimate object is to see that industrial disputes are settled by industrial adjudication on principles of fair play and justice. Further, the awarding of reinstatement does not amount to automatic conferment of back wages as held in 2009 (4) LLJ 667 (SC) Malla C.N. Vs State of Jammu and Kashmir & others. Further, it is held by the Hon'ble Supreme Court, in the case of APSRTC Vs B.S. David Pal, reported in 2006 (2) SCC 282, that the entitlement of back wages is not automatic on reinstatement. Awarding of back wages, depend upon other factors and circumstances. The I Party has pointed out in the claim statement that the I Party has been thrown out of employment and is facing hardship. In the affidavit also, the I Party has stated that with no financial income the I Party is facing great hardship. However, the claim of the workman that, the I Party is entitled for the full back wages, cannot be considered, having regard to fact that the I Party has not performed any work for II Party from 1998 to the date of superannuation, for the several years, and also, in order to balance the interest of both the parties, by adopting the balancing test or balancing process in the proper manner, this Court is of the considered opinion that in the facts and situation of the present case, 50% back wages and other consequential benefits only can be granted to the I Party. In the claim statement, the I Party has claimed interest, however the I Party has not enlightened the fact that the I Party is entitled to get interest also as prayed for in the claim statement by adducing relevant evidence and appropriate records. Hence, it is found that, the I Party is not entitled to get interest amount for the above mentioned factual reasons and also legal grounds.

21. Further, in the judgment reported in 2010-I-LLJ-861(SC), in C.A. No. 2874/2009, dated 28.04.2009, (Before Mr. Justice Tarun Chatterjee and Mr. Justice H.L. Dattu), in the case of Malwa Vanaspati & Chemical Co. Ltd. Vs Rajendra, it is held as follows:- "Back Wages – Entitlement for full back wages – Depends upon facts and circumstances of each case – Employee reinstated in service – Question of termination or reinstatement not in dispute – Employee only entitled to 50% back wages." Also, in the judgment reported in AIR 2009 Supreme Court 240, in C.A. No. 5425/2008, dated 02.09.2008, (Before Mr. Justice Tarun Chatterjee and Mr. Justice Aftab Alam), in the case of M.P. Electricity Board & Ors Vs Maiku Prasad, it is held as follows:- "Industrial Dispute Act (14/1947), Sch. 2, Item 6 – Back wages – Curtailment – Respondents' service terminated for unauthorised absence – Termination set aside by

Labour Court – Direction for reinstatement and payment of full back wages passed – Considering long period between termination and reinstatement for which respondent has not worked – Back wages reduced to 50%.” Further, in the judgment reported in 2010-I-LLJ-861(SC), in C.A. No. 2874/2009, dated 28.04.2009, (Before Mr. Justice Tarun Chatterjee and Mr. Justice H.L. Dattu), in the case of Malwa Vanaspati & Chemical Co. Ltd. Vs Rajendra, it is held as follows:- “Back Wages – Not to be granted mechanically, upon termination of service being held illegal- Service of workman terminated in 1987 – Labour Court gave its award in 2002 holding termination illegal – In circumstances of case, 50% back wages held proper and payment thereof accordingly directed.” In the present case also, it is found that, the I Party is entitled to get 50% of the amount, out of the total amount of the monetary benefits with continuity of service, and other consequential benefits that I Party would have received in the absence of the impugned punishment of refusal to provide employment, by the II Party.

22. Further, in the judgment reported in 2009-I-LLJ 1 [SC], between Senior Regional Manager, TASMAL Ltd., and another Vs The M. Raviselvam, it is held as follows:- “Back wages-payment of back wages questioned- On reinstatement, full back wages is not to be paid automatically. It depends upon facts of each case. In the present case order for payment of back wages modified to the extent of 50% to be paid by the Management.” And in the judgment reported in 1999-LLJ-I-pg 1260-1265 [SC], between Ajaib Singh Vs Sirhind Co-operative Marketing-Cum-Processing Service Society, it is clearly held as follows:- “Delay in seeking relief by workman against Termination of Service-Article 137 of Schedule to Limitation Act not applicable to proceedings under I.D. Act – Workman entitled to 60% of back wages.” Further, in the judgment reported in 1990 [61] FLR 768, between Delhi Transport Corporation Vs D.T.C. Mazdoor Congress and others, it is held as follows:- “A confirmed and permanent employee-Terminated without one month’s notice or pay in lieu of and without holding enquiry and affording any opportunity-Termination was illegal-Principles of natural justice violated.” In the present case also, the II Party has terminated the I Party without following the Principles of natural justice and without holding enquiry and also without offering opportunity to the I Party to put forth his/her defence. Further, in the judgment reported in 2010-I-LLJ 682 [Bom], between Santhosh Kumar, S/o Babulal Gupta Vs Sub-Area Manager, Western Coal Fields Ltd., Maharashtra and another, it is held as follows:- “Dismissal of workman from service – no enquiry held – termination order not served on workman – punishment held disproportionate – deprivation of 50% back wages with warning issued to workman held would be proper.” Further, the II Party has stated in the counter statement that, the I Party, on medical examination, has been found to be unfit to work. However, in the same counter statement II Party has stated that, I Party is happily working elsewhere since the date of termination and the I Party is working elsewhere also earning salary. In such circumstances, it is seen that, the submissions made by the II Party in the counter statement are self contradictory. On that ground also II Party is not justified in terminating the services of I Party without following the principles of natural justice, fairness and reasonableness. Further, on the totality of the above mentioned facts and circumstances, and also, after taking into consideration the evidences and exhibits mentioned herein below, in the proper perspective, the following award is passed, in the best interest of justice, equity and fair play.

(i) **In C R No. 11/2007 Sh. Ayyanna Vs MML**

AWARD

The II Party/Management is not justified in imposing the punishment of termination of I party/Ayyanna with effect from 27.06.1998 and II Party is directed to pay to the I Party 50% of the amount, out of the total amount of back wages and other consequential benefits, salary and allowances and all benefits due and payable to the I Party from the date of termination, namely, 27.06.1998 till the I Party attains the age of retirement i.e, 02.05.2007 to which the I Party would have been entitled in the absence of the impugned termination of service passed by II Party. In computing such benefits the I Party shall be deemed have been in continuous service of II Party, till the date the I Party attains the age of retirement and the present reference is answered, accordingly, without cost for the above mentioned peculiar facts and circumstances.

(ii) **In C R No. 41/2007 Sh. H. Rangegowda Vs MML**

AWARD

The II Party/Management is not justified in imposing the punishment of termination of I party/H. Rangegowda with effect from 19.09.1998 and II Party is directed to reinstate and also, to pay to the I Party 50% of the amount, out of the total amount of back wages and other consequential benefits, salary and allowances and all benefits due and payable to the I Party to which the I Party would have been entitled in the absence of the impugned termination of service passed by II Party. In computing such benefits the I Party shall be deemed have been in continuous service of II Party, and the present reference is answered, accordingly, without cost for the above mentioned peculiar facts and circumstances.

(iii) **In C R No. 70/2007 Smt. Lakkamma Vs MML****AWARD**

The II Party/Management is not justified in imposing the punishment of termination of I party/Lakkamma with effect from 16.04.1998 and II Party is directed to pay to the I Party 50% of the amount, out of the total amount of back wages and other consequential benefits, salary and allowances and all benefits due and payable to the I Party from the date of termination, namely, 16.04.1998 till the I Party attains the age of retirement i.e, 17.05.2011 to which the I Party would have been entitled in the absence of the impugned termination of service passed by II Party. In computing such benefits the I Party shall be deemed have been in continuous service of II Party, till the date the I Party attains the age of retirement and the present reference is answered, accordingly, without cost for the above mentioned peculiar facts and circumstances.

(iv) **In C R No. 71/2007 Smt. T. Lakshamma Vs MML****AWARD**

The II Party/Management is not justified in imposing the punishment of termination of I party/T. Lakshamma with effect from 22.05.1998 and II Party is directed to pay to the I Party 50% of the amount, out of the total amount of back wages and other consequential benefits, salary and allowances and all benefits due and payable to the I Party from the date of termination, namely, 22.05.1998 till the I Party attains the age of retirement i.e, 12.07.2014 to which the I Party would have been entitled in the absence of the impugned termination of service passed by II Party. In computing such benefits the I Party shall be deemed have been in continuous service of II Party, till the date the I Party attains the age of retirement and the present reference is answered, accordingly, without cost for the above mentioned peculiar facts and circumstances.

(v) **In C R No. 155/2007 Sh. Shankaregowda Vs MML****AWARD**

The II Party/Management is not justified in imposing the punishment of termination of I party/Shankaregowda with effect from 25.05.1998 and II Party is directed to pay to the I Party 50% of the amount, out of the total amount of back wages and other consequential benefits, salary and allowances and all benefits due and payable to the I Party from the date of termination, namely, 25.05.1998 till the I Party attains the age of retirement i.e, 23.12.2014 to which the I Party would have been entitled in the absence of the impugned termination of service passed by II Party. In computing such benefits the I Party shall be deemed have been in continuous service of II Party, till the date the I Party attains the age of retirement and the present reference is answered, accordingly, without cost for the above mentioned peculiar facts and circumstances.

(vi) **In C R No. 39/2008 Smt. Nagamma Vs MML****AWARD**

The II Party/Management is not justified in imposing the punishment of removal of I party/Nagamma with effect from 22.06.1998 and II Party is directed to pay to the I Party 50% of the amount, out of the total amount of back wages and other consequential benefits, salary and allowances and all benefits due and payable to the I Party from the date of removal, namely, 22.06.1998 till the I Party attains the age of retirement i.e, 15.01.2004 to which the I Party would have been entitled in the absence of the impugned removal of service passed by II Party. In computing such benefits the I Party shall be deemed have been in continuous service of II Party, till the date the I Party attains the age of retirement and the present reference is answered, accordingly, without cost for the above mentioned peculiar facts and circumstances.

(Dictated, transcribed, corrected and signed by me on 22nd September, 2017)

V. S. RAVI, Presiding Officer

(i) **In C R No. 11/2007 Sh. Ayyanna Vs MML****List of Witness on the side of I Party:**

WW 1	Sh. Ayyanna, I Party/ workman and also, additional evidence
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List of Witness on the side of II Party:

MW 1	Sh. Somanna, Assistant Manager, II Party/ Management
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Exhibit marked on behalf of I Party:

Exhibits	Date	Description of Document
Ex W-1	9.03.2001	Order passed in W.P. No. 5615/2001
Ex W-2	12.06.2002	Order passed in W.A. No. 3460/2001 c/w 3459/2001
Ex W-3	01.06.2006	Order passed in W.P. No. 26101/2001 c/w 23798/2001, 23797/2001 & 23794/2001
Ex W-4	22.08.2008	Circular relating to enhancing the superannuation age from 58 years to 60 years

Exhibit marked on behalf of II Party:

Exhibits	Date	Description of Document
Ex M-1	-	Register of Employees
Ex M-2	-	Service Record

(ii) In C R No. 41/2007 Sh. H. Rangegowda Vs MML**List of Witness on the side of I Party:**

WW 1	Sh. H. Rangegowda, I Party/ workman and also, additional evidence
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List of Witness on the side of II Party:

MW 1	Sh. Somanna, Assistant Manager, II Party/ Management
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Exhibit marked on behalf of I Party:

Exhibits	Date	Description of Document
Ex W-1	30.04.1999	Termination order issued to I Party
Ex W-2	29.03.2001	Order passed in W.P. No. 5615/2001
Ex W-3	12.06.2002	Order passed in W.A. No. 3460/2001 c/w 3459/2001
Ex W-4	01.06.2006	Order passed in W.P. No. 26101/2001 c/w 23798/2001, 23797/2001 & 23794/2001
Ex W-5	22.08.2008	Circular relating to enhancing the superannuation age from 58 years to 60 years

(iii) In C R No. 70/2007 Smt. Lakkamma Vs MML**List of Witness on the side of I Party:**

WW 1	Smt. Lakkamma, I Party/ workman and also, additional evidence
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List of Witness on the side of II Party:

MW 1	Sh. Somanna, Assistant Manager, II Party/ Management
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Exhibit marked on behalf of I Party:

Exhibits	Date	Description of Document
Ex W-1	-	Medical Examination Report Form 'O'
Ex W-2	29.03.2001	Order passed in W.P. No. 5615/2001
Ex W-3	12.06.2002	Order passed in W.A. No. 3460/2001 c/w 3459/2001
Ex W-4	01.06.2006	Order passed in W.P. No. 26101/2001 c/w 23798/2001, 23797/2001 & 23794/2001

Exhibit marked on behalf of II Party:

Exhibits	Date	Description of Document
Ex M-1	-	Register of Employees

(iv) In C R No. 71/2007 Smt. T. Lakshamma Vs MML**List of Witness on the side of I Party:**

WW 1	Smt. T. Lakshamma, I Party/ workman and also, additional evidence
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List of Witness on the side of II Party:

MW 1	Sh. Somanna, Assistant Manager, II Party/ Management
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Exhibit marked on behalf of I Party:

Exhibits	Date	Description of Document
Ex W-1	-	Medical Examination Report Form 'O'
Ex W-2	22.05.1998	Termination order issued to I Party
Ex W-3	29.03.2001	Order passed in W.P. No. 5615/2001
Ex W-4	12.06.2002	Order passed in W.A. No. 3460/2001 c/w 3459/2001
Ex W-5	01.06.2006	Order passed in W.P. No. 26101/2001 c/w 23798/2001, 23797/2001 & 23794/2001

Exhibit marked on behalf of II Party:

Exhibits	Date	Description of Document
Ex M-1	-	Register of Employees

(v) **In C R No. 155/2007 Sh. Shankaregowda Vs MML****List of Witness on the side of I Party:**

WW 1	Sh. Shankaregowda, I Party/ workman and also, additional evidence
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List of Witness on the side of II Party:

MW 1	Sh. Somanna, Assistant Manager, II Party/ Management
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Exhibit marked on behalf of I Party:

Exhibits	Date	Description of Document
Ex W-1	-	Membership Application Form
Ex W-2	02.06.1998	Termination order issued to I Party
Ex W-3	29.03.2001	Order passed in W.P. No. 5615/2001
Ex W-4	12.06.2002	Order passed in W.A. No. 3460/2001 c/w 3459/2001
Ex W-5	01.06.2006	Order passed in W.P. No. 26101/2001 c/w 23798/2001, 23797/2001 & 23794/2001
Ex W-6	22.08.2008	Circular relating to enhancing the superannuation age from 58 years to 60 years

Exhibit marked on behalf of II Party:

Exhibits	Date	Description of Document
Ex M-1	-	Statement of Attendance Leave Emoluments etc.

(vi) **In C R No. 39/2008 Smt. Nagamma Vs MML****List of Witness on the side of I Party:**

WW 1	Smt. Nagamma, I Party/ workman and also, additional evidence
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List of Witness on the side of II Party:

MW 1	Sh. Somanna, Assistant Manager, II Party/ Management
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Exhibit marked on behalf of I Party:

Exhibits	Date	Description of Document
Ex W-1	-	Pension Payment Order
Ex W-2	30.07.1998	Termination order issued to I Party
Ex W-3	29.03.2001	Order passed in W.P. No. 5615/2001

Ex W-4	12.06.2002	Order passed in W.A. No. 3460/2001 c/w 3459/2001
Ex W-5	01.06.2006	Order passed in W.P. No. 26101/2001 c/w 23798/2001, 23797/2001 & 23794/2001

Exhibit marked on behalf of II Party:

Exhibits	Date	Description of Document
Ex M-1	-	Register of Employees
Ex M-2	-	Medical Examination Report Form 'O'

नई दिल्ली, 5 अक्टूबर, 2017

का.आ. 2404.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स फूड कारपोरेशन ऑफ इंडिया एंड अदर्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, बेंगलूर के पंचाट (संदर्भ सी.आर. संख्या 30/1989) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03.10.2017 को प्राप्त हुआ था।

[सं. एल-42012/61/1987-डी-IV-बी]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 5th October, 2017

S.O. 2404.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. CR No. 30/1989) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the industrial dispute between the management of M/s. Food Corporation of India and others and their workmen, received by the Central Government on 03.10.2017.

[No. L-42012/61/1987-D-IV-B]

RAJENDER SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE**

DATED : 14th September, 2017

PRESENT : Shri V. S. RAVI, Presiding Officer

COMMON AWARD**(i) C.R. No. 30/1989****I Party**

Sh. K.V. Sreenivasan,
Represented by Regional Chairman,
Food Corporation of India,
Employees Union, Karnataka Region,
C/o, FCI Regional Office,
No. 10, Mission Road,
Bangalore – 560027

Advocate for I Party:
Mr. Muralidara

II Party

1. The Zonal Manager, Food Corporation of India, Zonal Office, No.2, Haddows Road, Madras - 600006
2. The Regional Manager, Food Corporation of India, Regional Office, No. 10, Mission Road, Pallavi Complex, Bangalore – 560027

Advocate for II Party: Mr. N. Dinesh Rao,
Mr. Chowda Reddy & Ms. Chandini S

1. The Central Government vide Order No.L-42012(61)/87-D.IV.B dated 20.03.1989 in exercise of the powers conferred by Clause (d) of Sub-Section (1) and Sub-Section 2(A) of Section 10 of Industrial Dispute act, 1947 has made this reference for adjudication with following Schedule :

SCHEDULE

“Whether the action of the management of Food Corporation of India in transferring Shri K.V. Sreenivasan, Regional Secretary of FCI Employees Union, Karnataka Region, from Karnataka Region to Tamil Nadu Region, is justified? If not, to what relief the said employee is entitled?”

(ii) Comp. No. 01/1989

I Party

Sh. K.V. Sreenivasan,
No. 10-L, 5th Street,
Ashok Nagar,
Bangalore – 560027

Advocate for I Party:
Mr. Muralidara

II Party

1. The Zonal Manager, Food Corporation of India, Zonal Office, No.2, Haddows Road, Madras - 600006
2. The Regional Manager, Food Corporation of India, Regional Office, No. 10, Mission Road, Pallavi Complex, Bangalore – 560027

Advocate for II Party: Mr. N. Dinesh Rao,
Mr. Chowda Reddy & Ms. Chandini S

2. Brief details mentioned in the claim statement are as follows:-

The I Party Union raised the Industrial dispute before the Regional Labour Commissioner(C), Bangalore against the Zonal Manager, Food Corporation of India, Madras and the Regional Manager, Food Corporation of India, Bangalore, demanding to cancel the transfer orders of the Regional Secretary, FCI Employees Union, Karnataka Region, Sri. K.V. Sreenivasan, on the ground that the said order is issued under malafide intention and to victimise the office bearer of the union under the guise of the transfer, and to stop the question raised by the Sri. K.V. Sreenivasan, about the alleged awarding of handling and Transport contract at a huge percentage, etc. The Zonal Management of FCI, vide order No. 279/86-Estt.I dated 20.08.1986 has promoted Sri. K.V. Sreenivasan, from the post of Asst. Grade I to Asst. Manager (A/cs) and also, retained in Karnataka region. Further, the intention of the Management is to remove Sri. K.V. Sreenivasan, from Karnataka in order to coverup their lapses, in awarding the contract to their favourite contractor, M/s. Mahatma Transport. Having so, humiliated, the Regional Manager, FCI, Bangalore went to Madras and arranged to issue transfer orders to Sri. K.V. Sreenivasan, posting him to Tamil Nadu region and personally brought the order on 19.01.1987 and served on him, both transfer and also, relieving orders on 20.01.1987. Since, Sri. K.V. Sreenivasan, has taken the leave on medical ground for 10 days, the order has been pasted in the notice board of the Regional Office as well as on the door of his residence. The General Secretary/Zonal Secretary of the Union have taken up the matter to the management to cancel the transfer orders of Sri. K.V. Sreenivasan, but of no avail. Further, the C.B.I. Authorities on 28.07.1987 have conducted the raids on the premises of Zonal Manager Sri. M.G.K. Murthy, at Madras, Sri. C.S. Shivanna, Regional Manager, Bangalore and Sri. M.C. Maranna, the District Manager, FCI, Bangalore and the same has been telecasted/appeared in all leading news papers in the Country. On the same day of raid, Sri. M.G.K. Murthy, Zonal Manager issued telegraphic notice to Sri. K.V. Sreenivasan to report at the place of posting, failing which, Disciplinary Action will be taken against him. Since the authorities failed to comply with the understanding, again he has been asked to go on leave. In the meanwhile, on 08.06.1988, he has been reverted from the post of Asst. Manager to Asst. Grade-I (A/cs), since, the said Sri. K.V. Sreenivasan deposed as witness against all the three officers, on whom the cases have been registered by the C.B.I. The said transfer order issued to Sri. K.V. Sreenivasan is malafide, and the same has been issued with a sole intention of keeping away from Bangalore and to cripple the trade union function, since it is not issued under normal course. Therefore, the I Party prays this Court to pass an award directing the II Party to cancel the transfer orders and grant appropriate relief such as full payment of salary from 20.01.1987 to till the date of reporting at Regional Office, FCI Bangalore, restoring the position of Assistant Manager(A/cs) with all consequential benefits that accrue, and with costs to the Union.

3. Brief details mentioned in the counter statement are as follows:-

The II Party states that, this Tribunal has no jurisdiction to try the above dispute. The I Party employee Sri. K.V. Sreenivasan is not a “workman” and as such he is not entitled to raise any dispute before the tribunal under the I.D. Act or under any other provisions of law. Further, it is true that, the I Party has been promoted from Asst. Grade-I to Assistant Manager(Accounts) and has been retained in Karnataka Region in August 1986. Further, the II Party states that, the averments made in the claim statement are partly true to the extent that during 1986 the F.C.I has called for tenders for handling and transport contract for Bangalore and the said contract has been given, after following the procedure and in accordance with law. However, the II Party is not a party to any malpractice and the imputations made as against officers of the II Party made are false and baseless. Further, it is submitted that, the awarding of contract to M/s. Mahatma Transport has been done, in accordance with law and safeguarding the interest of the

Corporation. In the present case, there are no malafide and transfer order has been passed in the normal course in the interest of the Food Corporation and in Public Interest. The present proceedings is barred by Res-judicate. The concerned authorities have passed the transfer order, considering all the facts and circumstances including public interest and the interest of the corporation. There is no loss caused to the F.C.I in awarding the contract to M/s. Mahatma Transport, as alleged. It is true that, on account of the misconduct of Sri. K.V. Sreenivasan, he has been reverted to the Assistant Grade-I(Accounts). Further, there are no malafides or prejudices against the employee and the orders of transfer has been passed in the usual course. Therefore, the II Party prays that, the reference be rejected with costs.

4. Brief details mentioned in Complaint are as follows:-

In the Complaint it is stated that, the opposite parties have initiated the Disciplinary proceedings against the Complainant under section 58 of the FCI (Staff Regulation 1971) vide office memorandum dated 21.03.1989, pursuant to the Inquiry. Further, the 1st Opposite party passed an order No. 4(1)/87 dated 27.04.1989, as per Annexure-I imposing the penalty of Dismissal from the service of the corporation with immediate effect. The said order of dismissal has been passed subsequent to the date of reference, i.e., 20.03.1989. No application has been filed by the opposite parties before the Tribunal either for permission or for approval of the action of dismissal. The Complainant has not been paid salary for one month as contemplated in section 33 sub Cl.2. Payment of one month salary and preferring the application before the Tribunal is a condition precedent for passing the order of dismissal. The opposite party.1 has violated sec. 33(2)(b) of the Industrial Dispute Act. The Complainant joined the service of the FCI, with effect from 08.04.1965 as Asst. Grade III (Depot). The Complainant has been promoted to the post of Asst. Grade II (A/cs) & transferred to Tamil Nadu in the year 1970. After serving other places in Karnataka eversince 1976 he has been posted at Bangalore. On 20.01.1987, the Complainant has been transferred to Tamilnadu. Further, when the Complainant has been on medical leave, but, he has been relieved, immediately. The Complainant is the Regional Secretary, FCI Employees Union, Karnataka Region till to-day. The said Association/Union is a trade Union, registered under the Indian Trade Union Act 1926. The Complainant is a protected workman. Instead of adhering to the assurance given to the complainant he has been reverted to the post of Asst. Grade I (A/cs) and retained at the place, where he has been originally transferred. Further, that the Zonal Manger issued a charge sheet to the complainant alleging therein that he has disobeyed the order of transfer and that he has tried to influence the Management by bringing the political pressure, and that he has exchanged his scooter by paying Rs. 3,500/- without obtaining the prior permission and that he absented from the duty without leave. The Inquiry Officer submitted the finding holding therein that out of four charges, three charges have been proved by the management. The Disciplinary Authority by his order dated 27.04.1989 imposed the penalty of dismissal on the complainant with immediate effect. On 08.04.1989, the complainant submitted a letter to the effect and also brought to the knowledge of the Inquiry Officer as well as the Disciplinary Authority that, the Central Government has referred the dispute with regard to the transfer order dated 20.01.1989 to the Central Government Industrial Tribunal Bangalore, for adjudication. Without considering all these aspects and without affording an opportunity to the complainant to submit his written arguments and Inquiry Officer closed the Inquiry and submitted his report as aforesaid. The complainant submits that, the report of the Inquiry Officer is perverse. It is further submitted that, the initiation of transfer of the complainant and further proceedings there on, are nothing but the act of malafide. The complainant continuance at Bangalore was/is absolutely necessary as he being the Important Office Bearer and protected workman. Without considering the said aspect with a proper perspective, the said charges have been levelled against the complainant. The exchange of scooter by paying Rs. 3,500/- more does not amount to misconduct in as much as the permission has been already taken. With regard to absents from the duty, the complainant submits that, he has submitted his leave application. It is further submitted that, the complainant has brought to the notice to Disciplinary Authority, regarding the pendency of dispute vide CR. 30/89 before the Central Government Industrial Tribunal, Bangalore. However, the Disciplinary Authority has passed the impugned order without obtaining the permission as required to under section 33(2)(b) of the Industrial Dispute Act. Complainant and his union have been treating the said transfer order as malafide and hence he has not complied with it. Thus penalty imposed is disproportionate to the charges, levelled against the complainant. The Disciplinary Authority/Zonal Manager South are aware that, complainant has been summoned by the CBI and he has deposed before them in connection with the CBI raid and registration of case against the Disciplinary Authority/Zonal Manager South. The complainant accordingly prays this Tribunal to pass an award, by setting aside the order of dismissal and reinstate the complainant with all consequential benefits and any other order as the Tribunal deem fit to pass in the circumstances of the case.

5(a). Brief details mentioned in the Objection are as follows:-

In the Objection to the complaint the Respondent states that, there is no valid dispute pending. It is further submitted that, the complainant is not a workman and as such the alleged dispute is not maintainable. In view of the same, the dismissal of the complainant without complying with section 33(2)(b) of the Industrial Dispute Act is in accordance with law and there is no illegality or violation of Rules involved. It is true that, the complainant in question has been charged with misconduct and domestic enquiry has been held against him. Further, the dispute in CR 30/89 is

neither valid nor raised in accordance with law. Hence, this Tribunal also has no jurisdiction to entertain the complaint. It is true that, in the dispute of CR 30/89, the question of validity of the transfer of the complainant is involved. Further, the dismissal order is in accordance with law. Further, on 20.01.1987 the complainant, working as Assistant Manager, has been transferred to the Tamil Nadu Region as per the orders of the Zonal Manager of FCI. However, the complainant failed to report for duty and went on post-phoning the reporting for duty with ulterior purpose. Further, the complainant reported for duty on 04.03.1987 only, and thereafter, absented himself from duty. The complainant also dealt with a vehicle belonging to him and he exchanged old vespa MYL 9523 and purchased a vehicle CKD 3730 without permission of the FCI. As submitted above, the complainant also absented himself from duty without leave. Further, the Disciplinary Authority based on the report dated 18.04.1989 and considering all the facts and circumstances of the case, passed an order dated 27.04.1989 dismissing the said complainant. The said dismissal order is in accordance with law, and the management is justified in dismissing the said complainant under the circumstances of the case. It is true that, the transfer order and relieving order have been personally served on the complainant. It is denied that, the complainant has been the Office-Bearer of the All India Central Government Employees Association in Karnataka Region during 1972. It is denied that, the complainant is a protected workmen.

(b) Further, it is submitted that, the transfer of the said complainant has been done in the usual course and in public interest and in the interest of the corporation. It is also true that, on receipt of the enquiry report, the Disciplinary Authority has passed the order of dismissal of the employee as per order dated 27.04.1989. In fact, the personal presence of the complainant is not required and he could have sent the written arguments even by post, if he could not go over personally to Ahmadabad for the reasons mentioned by the complainant. Further, it is submitted that, the enquiry officer has conducted the enquiry in accordance with law and the same is proper and valid. It is false to say that, the report of the enquiry officer is perverse, and the transfer of the complainant is malafide. It is false to say that, the complainant appeared before C.B.I in connection with the alleged investigation of corruption charges against the Zonal Manager and Regional Manager and for that reason, the penalty of dismissal has been passed as against the complainant. Further, it is submitted that, the reversion of the complainant from the post of Assistant Manager to Assistant Grade-I, has been done, on account of the charges of misconduct, existed and proved as against the said complainant. It is submitted that, taking into account the enquiry report, only, the dismissal order has been passed against the complainant in accordance with law. In the circumstance, the management has requested for the disposal of the relief claimed for, by the complainant.

6. The pertinent points/issues that arise, for consideration in the present matters are as follows:-

- 1) “Whether the I Party is not a “workman” and that this Tribunal has no jurisdiction as contended in para 3 of the counter statement and also, in the facts and circumstances of the present case?”
- 2) “Whether the reference is barred and not maintainable as alleged in para 10 of the counter statement?”
- 3) “Whether the present matter is barred by Res-judicata and hence reference is liable to be rejected?”
- 4) “Whether the action of II Party in transferring Shri K.V. Sreenivasan, Regional Secretary of FCI Employees Union, Karnataka Region, from Karnataka Region to Tamil Nadu Region, is justified? If not, to what relief the employee is entitled to?”
- 5) “Whether the I Party is entitled to get the relief as prayed for, after the careful appreciation of the evidences adduced and documents produced by both the parties, in proper perspective?”

7. On perusal of materials brought on record by both sides, the relevant details emerge as follows:-

Sl. No.	Date	Events
1.	16.01.1987	I Party has been transferred from Bangalore to Tamil Nadu region. Served on him on 21.01.1987
2.	20.01.1987	I Party has been relieved from Bangalore
3.	19.08.1987 to 31.12.1987	I Party has been placed under suspension
4.	04.03.1988	I Party reported for duty at Tuticorin
5.	21.03.1988	FCI issued charge sheet to I Party on certain allegations of misconduct

6.	11.04.1988	M.D. Saxena, Sr. Regional Manager has been appointed as Enquiry Officer
7.	08.06.1988	I Party has been reverted from the post of Asst. Manager to Asst. Grade-I
8.	20.03.1989	Government of India issued order of reference regarding the validity of transfer for adjudication to Central Government Industrial Tribunal – Cum – Labour Court, Bangalore
9.	18.04.1989	Enquiry Officer submitted enquiry report.
10.	27.04.1989	I Party has been dismissed from service
11.	31.05.1989	I Party filed complaint under sec. 33 A of the Industrial Dispute Act, 1947 before this Tribunal
12.	30.06.1992	I Party attained the age of superannuation
13.	14.09.1993	Respondent passed order by converting the order of dismissal, into that of Compulsory Retirement of the I Party
14.	27.05.1991	In the W.A. No. 1523/1989, the Hon'ble Division Bench of Karnataka High Court has passed the detailed order in the said appeal filed by the II Party/Respondent herein.

8. Analysis, Discussion Findings with regard to the above mentioned point/issue No. 1:-

In the CR reference itself reference has been made to this Court with following schedule:- “Whether the action of the management of Food Corporation of India in transferring K.V. Sreenivasan, Regional Secretary of FCI Employees Union, Karnataka Region, from Karnataka Region to Tamil Nadu Region, is justified? If not, to what relief the said employee is entitled?” On a plain reading of the schedule enclosed to reference of the CR 30/89 dated 20.03.1989, it is clear that, the reference for adjudication is made to the effect that, whether the action of the management in transferring K.V. Sreenivasan from Karnataka Region to Tamil Nadu Region is justified and it is also mentioned that I Party/K.V. Sreenivasan, is the Regional Secretary of FCI Employees Union, Karnataka Region. Further, I Party has clearly explained in the claim statement and also in evidence that though he has been promoted as Assistant Manager he has done only clerical work and he has not done any managerial or administrative capacity work. Further, the II Party itself has reverted I Party/K.V. Sreenivasan, from the post of Assistant Manager to Assistant Grade-I as per the letter dated 08.06.1988. In such circumstances it is clear that, the I Party/K.V. Sreenivasan, has established that he is the workman coming under definition of 2(s) of Industrial Dispute Act. Further, as per the reference mentioned schedule the I Party/K.V. Sreenivasan, has been cited as Regional Secretary of FCI Employees Union, Karnataka Region and infact, the Regional Chairman of FCI Employees Union, Karnataka Region has filed the reference on behalf of the said I Party/K.V. Sreenivasan. On that ground also, it is found that as per the provisions of sec. 2(k), the Industrial Dispute means any dispute or difference between employers or employees or conditions of labour or any person (underlined for emphasis), and hence, it is seen that, the I Party/K.V. Sreenivasan, can very well get appropriate relief in accordance with law, in the present proceedings through the present Court.

9. Further, in the judgment reported in AIR 1984 Supreme Court 914, in C.A No. 1673/1982, dated 08.03.1984, (Before Mr. Justice D.A. Desai, Mr. Justice O. Chinnappa Reddy and Mr. Justice A. Varadarajan), in the case of Ved Prakash Gupta Vs M/s Delton Cable India (P) Ltd., it is held as follows:- “That, in these circumstances the substantial duty of the concerned employee was only that of a Security Inspector at the gate of the factory premises and it was neither managerial nor supervisory in nature, so as to exclude him from the definition of “workman” under section 2(s) of the Act.” In the present case also, I Party/K.V. Sreenivasan, has clearly established that, he has not done any managerial or supervisory work so as to exclude him from the definition of “workman” under section 2(s) of the Act. Further, MW-2 has admitted that, one union has been headed by the I Party. On that ground only I Party/K.V. Sreenivasan, is claiming the right as a protected employee. Further, MW-2 has admitted that, I Party/K.V. Sreenivasan, has been reverted to Grade-I from Assistant Manager, before he has been dismissed from service. In such circumstances also, it is clear that, I Party/K.V. Sreenivasan, is entitled to claim the relief under provisions of Industrial Dispute Act. In the evidence also, I Party/K.V. Sreenivasan, has clearly pointed out, that he used to verify the stock by making use of the registers and books of accounts maintained in that particular godowns, and he has not performed any

supervisory or managerial jobs. Further, I Party/K.V. Sreenivasan, has clearly pointed out in evidence that, the post of Assistant Grade-I have been treated as workman and many Assistant Managers are also the members of the union. Further, in the judgement delivered in writ Appeal filed by the II Party/Management the Hon'ble Karnataka High Court in W.A No.1523/1989 dated 27.05.1997, in the case of FCI (II party/Management here in) Vs. K.V. Sreenivasan (I party/Complainant herein) it is clearly held as follows: "Whether, Respondent No.4 is a workman or not within the meaning of Section 2(S) of the Industrial Disputes Act, is a question which requires to be adjudicated upon facts and evidence. That, cannot be decided in abstract. Therefore, to say that Respondent No.4, is not a workman and therefore, the reference is incompetent would only amount to pre-deciding the matter". Accordingly, for the above mentioned facts, evidence and circumstances, it is seen that the I party/complainant is a workman and the reference has to be answered in accordance with law.

10. Further, in the evidence, I Party/K.V. Sreenivasan, has stated that, he has become an active member and Office Bearer of FCI Employees Union. Further, MW2 has also admitted that, one union is headed by Sh. Sreenivasan. Further, Industrial Dispute Act is a social legislation brought into existence after various Industrial Revolutions, stage by stage and the said act has been enacted to provide minimum and basic facilities for workman and protect his/her employment. Further, II Party cannot take the super technical submission as a protective shield, to cover up their lapses and violation of laws. Further, it is the well settled law that, I Party can initiate proceedings for the alleged illegal termination of services of workman by the II Party. Further, for the effective implementation of the Labour enactment and protecting the interest of workman only the Government have created a Labour Department. Further, it is very pertinent to point out that, the present reference is made by the Government of India, Ministry of Labour with the above mentioned schedule. Hence, this Court is bound to pass appropriate award in accordance with law based upon the facts and circumstances of the present matter. The II Party/Management cannot take super technical and hyper technical measures, so as to avoid payment of the legitimate amounts, payable to the I Party/Workman.

11. Further, in the judgment in the case of Basti Sugar Mills Co. Ltd. Vs State of U.P., (1979) 2 SCC 88, by V. Kishna Iyer, J, it is pointed out as follows:- "Industrial Jurisprudence does not brook nice nuances and tortuous technicalities to stand in the way of just solutions reached in a rough and ready manner. Grim and grimy life-situations have no time for the finer manners of elegant jurisprudence." Thus, the process of industrial adjudication is an onerous task being guided by the constitutional mandates and aiming at settlement of the industrial dispute on a fair and just basis, tested on the touchstone of social and economic justice. When an industrial dispute is raised, it is a commotion to be pacified by dispensing justice. In such adjudication, not just the right to equality and other Constitutional guarantees, but the aims and ideals of the Constitution enter into the consideration. It is the duty of the Courts to apply directive principles in interpreting the Constitution and the laws. Also, it is reported in Lloyds Bank Ltd Vs. Bundy, (1974) 3 All ER 757 that Lord Denning first clearly enunciated his theory of "inequality of bargaining power". He began his discussion on this part of the case by stating (at page 763): "There are cases in our books in which the courts will set aside a contract, or a transfer of property, when the parties have not met on equal terms, when the one is so strong in bargaining power and the other so weak that, as a matter of common fairness, it is not right that the strong should be allowed to push the weak to the wall." In the present case also, it is seen that, the II Party has taken, various above mentioned actions, as against workman Sreenivasan and the said actions are not taken in accordance with the provision of the Industrial Disputes Act, 1947.

12. Further, the Hon'ble High Court of Karnataka, in W.P. No. 9974/2006 (L-TER) dated 07.01.2015, (Before Mr. Hon'ble Chief Justice D.H. Waghela and Mr. Hon'ble Justice Budihal. R. B), in the case of The Management of National Aerospace Laboratories Vs Engineering & General Workers Union and the Managing Directors, it is particularly held as follows:- "The jurisdiction of an Industrial Tribunal, therefore, is expansive and creative and not restricted to only enforcing or interpreting the contract of service or the extant legal provisions and it is not-fettered by the limitations of contracts and can even involve extension of existing agreement of the making of a new one, or in general, creation of new obligations or modification of old ones." In the present case also, for the above mentioned facts and circumstances it is found that, I Party is entitled to get appropriate relief, in accordance with law, and the II Party is not justified in raising the objection, as per the said jurisdiction of the present Court. Further, it is relevant to mention that, the I Party/workman has been punished by II Party without adopting the procedure known under law. Further, the underlying aim and object of adjudication of an Industrial Dispute is, in effect, dispensation of social and economic justice and translating fundamental rights as well as directive principles into some tangible relief. The ultimate object is to see that industrial disputes are settled by industrial adjudication on principles of fair play and justice. For the above mentioned facts and circumstances, it is found that the I party/Sreenivasan is a workman and this Tribunal has jurisdiction to pass appropriate award in accordance with law.

13. Analysis, Discussion Findings with regard to the above mentioned points/issues Nos. 2 & 3:- In the judgment delivered in the case filed by the Management herein, the Hon'ble Division Bench of High Court of Karnataka, Banagalore in W.A No. 1523/1989, dated 27.05.1991, (Before Mr. Justice S. Mohan and Mr. Justice N.Y. Hanumanthappa), in the case of Food Corporation of India (II Party/Management herein) Vs K.V. Srinivasan (I

Party/Complainant herein), it is clearly held as follows:- “As regards the principles of resjudicata, as to how far that principle could be invoked by the appellant – the Food Corporation of India in view of the decision in Workmen, M/s Hindustan Lever Ltd. Vs Management, M/s HL. Ltd (AIR 1984 SC 516) is one which requires careful consideration. It cannot be said, straightaway, one way of the other.” Hence, the said judgement is answering the said points raised by the II Party in the written arguments, in the fitting manner. Further, It is seen that, the matters directly and substantially connected to the present dispute has not been considered by the Court after recording evidence of both sides and after exhibiting documents filed by both sides and also after hearing the arguments of both sides. In such circumstances the II Party cannot arise any valid objection to the effect that, I Party cannot get relief in the present matter filed before this Court. On the other hand, it is crystal clear from the various action taken by the I Party in various times as per the details pointed out in the Dates and Events mentioned herein above, it is clear that, II Party has adopted unfair labour practice as pointed out in sec. 2(ra) though, the I Party/K.V. Sreenivasan, is coming under sec. 2(s) of the definition of workman as per the various actions taken by the II Party itself as pointed in the above mentioned dates and events. Further, MW-2 namely, Assistant Manager, has admitted there are 2 trade union, one union has been headed by the I Party. Further, MW-2 has categorically admitted that, Assistants Grade-I have been treated as workman by the management and they are members of Trade union, by II Party.

14. Further, MW-2 has also, admitted that, it is true that, the work of the I Party/K.V. Sreenivasan, is to verify the correctness of entries in the books of Accounts. Further, MW-2 has admitted that, I Party has been reverted to Grade-I from Assistant Manager, before he has been dismissed from service. Further, MW-1 namely District Manager, of II Party has admitted that, if the promoters are promoted during the academic year, they will be retained and then transferred at the time of general transfer and in the case of I Party, he has been transferred immediately on promotion, and the general transfer takes place generally during March-April and January is not the month of general transfer and the I Party has been transferred in the month of January and as per Ex M-1 transfer order, places of transfer have been shown to others except I Party and as per Ex M-6 other persons promoted are posted in the same place where they have been working and the Ex M-7 has no relevance to the transfer of I Party. Further, MW-3 namely Manager(Internal Audit & Physical Verification), has stated that, it is true to suggest that, consequent to the promotion as Assistant Manager the I Party has been given posting at Bangalore only. Further, MW-3 admitted that, the post of Assistant Manager is done away as stated in para 3 of his affidavit about 5 years back. In such circumstances only, I Party/K.V. Sreenivasan, has specifically stated that on 27.08.1986 he has worked as Grade-I Assistant and on 28.08.1986 he has been promoted as Assistant Manager(Internal Audit & Physical Verification), and on 08.06.1998 he has been demoted as Grade-I Assistant and he used to verify the stock by making use of the registers and books of accounts maintained in that particular godowns and hence, he would very much come within the provision of section 2(s) as workman of Industrial Dispute Act and moreover the present reference has been made by the union, for and on behalf of I Party/K.V. Sreenivasan, as per the provisions of 2(k) of the Industrial Dispute Act. In circumstances, the present matter is very much maintainable before this Court.

15. Further, I Party/K.V. Sreenivasan, has repeatedly mentioned in the claim statement and also in the evidence that, he has not performed any supervisory or managerial jobs and he has done only clerical job and he has no subordinate to supervise. Further, I Party/K.V. Sreenivasan, has stated that, he is the Regional Secretary of FCI employees union and many Assistant Managers are also the members of the union. For the above mentioned circumstances only, I Party/K.V. Sreenivasan, has pointed out that, his transfer has been motivated one and the proposal of transfer has been made by Shri. Shivanna, the Regional Manager and the same has been done, as I Party/K.V. Sreenivasan, has been called upon to appear before the CBI with regard to the corruption charges made against Shri. Shivanna and M.G.K. Murthy, the Regional Manager, FCI, Bangalore and Zonal Manager, FCI, Madras respectively, and in view of the fact, the said K.V. Sreenivasan has been enquired by CBI regarding the corruption charges as against the above mentioned officials, he has been transferred to Tamil Nadu, with malafide intention, and there is no public interest or the interest of the II Party or public exigency to transfer K.V. Sreenivasan in January month and the said transfer has not been made in the regular transfer period. Further, I Party/K.V. Sreenivasan, has clearly pointed out that, the immediate transfer to Madras and thereafter further postings from Madras to Tuticorin have been the motivated actions of the Regional Manager and Zonal Manager, and even after the reversion to the post of Assistant Grade-I, I Party/K.V. Sreenivasan, has not been transferred to Bangalore, which confirmed the malafide actions of the concerned authorities. On a careful perusal of material available on record, it is seen that, there is considerable force in the said submission of I Party/K.V. Sreenivasan.

16. Further, I Party/K.V. Sreenivasan, has claimed that, he has acted as President of Employees Housing Co-operative Society(R) and 4 acres of Bangalore Development Authorities have been allotted for distribution of sites to the employees of FCI and he has been transferred when the Layout has been formed and under the protest he continued to stay at Bangalore and distributed the sites to the employees of FCI through the society and thereafter he has obeyed the orders of the employer and, Shri. Shivanna, Regional Manager has been ordered to appear before the Enquiry Officer and the said order has not been obeyed and he has not appeared before the Enquiry Officer. Further, I Party/K.V. Sreenivasan, has specifically stated that, enquiry has not been conducted properly and many documents

requested by the K.V. Sreenivasan have not been supplied and Shri. Shivanna, evidence has not been recorded and the time requested for arguments is not allowed and Enquiry Officer's report has been given exparte. Further, I Party/K.V. Sreenivasan, has explained that, I Party union members consists of employees of FCI upto the Assistant Managers. For the above mentioned reasons only I Party/K.V. Sreenivasan has clearly stated that, malafide intention and motivation are there behind his transfer to Tamil Nadu from Bangalore.

17. Further, I Party/K.V. Sreenivasan has explained that, it is true to suggest that, as per the order of Zonal Manger (South), dated 27.04.1989 produced as Ex W-1 he has been reverted as Assistant Grade-I (Accounts) from the order of dismissal and later on punishment of Compulsory Retirement has been passed. Further, I Party/K.V. Sreenivasan has stated that, superannuation benefits have not been given to him, fully. Further, a suggestion has been put to the effect that, the reference is not being maintainable and hence, seeking of approval or permission for effecting subsequent order of punishment does not arise. If the reference is not maintainable then, the II Party, very well, can approach this Court and get appropriate orders. However, without getting appropriate order from this Court and II Party assumed and presumed things by itself and acted as per his will and wish and hence, the same cannot be appreciated as per the law. Further, in the evidence also, I Party/K.V. Sreenivasan, has clearly stated that, the respondent has not filed any application at the time of passing order of dismissal, and the transfer from Bangalore to Tuticorin has been challenged and same is pending adjudication before this Tribunal in CR. No. 30/1989. On the cumulative consideration of above mentioned reasons and details, the issues are answered in favour of K. V. Sreenivasan.

18. Analysis, Discussion Findings with regard to the above mentioned points/issues Nos. 4 & 5:- In the claim statement and evidence I Party/K.V. Sreenivasan, has clearly pointed out that, intention of the Management is to remove Sri. K.V. Sreenivasan, from Karnataka in order to cover up their lapses, in awarding the contract to their favourite contractor, M/s. Mahatma Transport and having so, humiliated, due to CBI raids and newspaper publications regarding the malpractice, the Regional Manager, FCI, Bangalore went to Madras and arranged to issue transfer orders to K.V. Sreenivasan, posting him to Tamil Nadu region and personally brought the order on 19.01.1987 and served on him, both transfer and also, relieving orders on 20.01.1987 itself. The said statements made by I Party/K.V. Sreenivasan, have not been disproved by II Party in appropriate manner. On the other hand, MW-1 namely the District Manager, has admitted in his evidence that, general transfer takes place, generally, during March-April and January is not the month of general transfer. However, it is seen as per the records of II Party itself, I Party/K.V. Sreenivasan, has only been transferred from Bangalore to Tamil Nadu during January, on 16.01.1987. Further, MW-1, has admitted that, as per Ex M-6, 3 persons have been posted in the same places where they are working and he is not aware as to whether I Party/K.V. Sreenivasan, has not been transferred in the earlier promotions and Ex M-7 have no relevance to the transfer of I Party. Further, MW-3 namely Manager (Internal Audit & Physical Verification) of II Party has admitted in his evidence that, it is true to suggest that, consequent to the promotion as Assistant Manager, the I Party has been given posted at Bangalore only. Infact, I Party has been transferred to Tamil Nadu on 16.01.1987, without any proper and valid reasons by the Management and for that reason only I Party/K.V. Sreenivasan, has specifically stated that, he has been transferred to Tamil Nadu on the account of victimization and the unfair labour practice has been adopted by II Party/Management.

19. Further, I Party/K.V. Sreenivasan, has particularly stated in his evidence that, his transfer has been made in the motivated manner and the proposal has been made by Regional Manager and transfer order has been issued by Zonal Manger, in view of the fact, that has taken part, in the investigation proceedings of the CBI, and Newspaper report regarding malpractice of II Party, he has been transferred from Karnataka to Tamil Nadu and even after his reversion to the post of Assistant Grade-I, he has not been retransferred to Bangalore, which confirms the malafide actions of the Management authorities are concerned. Further, I Party/K.V. Sreenivasan, has specifically stated in his evidence, that his reversion from the post of Assistant Manager to Assistant Grade-I and subsequent dismissal are all part of victimization by the respondent and during the period from his dismissal date of 27.04.1989 to the date of superannuation namely 30.06.1992, he has not been gainfully employed anywhere. The said details are also not disproved by the Management in any manner.

20. The Enquiry Officer namely MW-1 has admitted that, he has conducted a large number of enquiries and he has admitted that, in the beginning the charge sheet has not been issued by the competent authority. Further, the Enquiry Officer has admitted in his evidence that, he has been directed to hold a fresh enquiry. Further, Enquiry Officer also admitted that, defence has sought 49 documents as per Ex M-11. Further, Enquiry Officer has admitted that, he is aware of the representation dated 08.04.1989 given by the I Party to the Disciplinary Authority explaining that, he could not submit the Written Arguments at Ahmedabad. Further, Enquiry Officer has admitted that, 2nd charge sheet and appointment order have been issued by the competent authority as per Ex M-1 and Ex M-4. For the above mentioned reasons only I Party/K.V. Sreenivasan has clearly stated that, adequate and sufficient time has not been granted to I Party/K.V. Sreenivasan to submit his Written arguments in Domestic Enquiry and Enquiry Officer has given findings without getting the written arguments of I Party/K.V. Sreenivasan and principles of natural justice has not been followed by the Enquiry Officer and admittedly 2nd charge has been issued and enquiry procedure, and

findings have not been submitted by the Enquiry Officer after following the principles of natural justice properly. Even the Presenting Officer namely MW-2 has admitted that, charge sheet issued by Deputy Zonal Manager with regard to 3 charges, since he is not competent another charge sheet has been issued by the Zonal Manager and the 2nd charge sheet contains 4 charges. However, Presenting Officer admits that, he does not know the reason for the 4 charges mentioned in the 2nd charge sheet. Further, Presenting Officer has admitted that, he did not object to the production of documents referred to in Ex M-11 in writing and he has not been directed by Enquiry Officer to produce those documents and he has not produced any documents before the Enquiry Officer. Hence, it is seen, that documents asked for by I Party/K.V. Sreenivasan have not been submitted to him to defend his case, properly. On that ground also, it is seen that, fairness and reasonableness have not been followed by the Enquiry Officer.

21. The pertinent question that arises for consideration is, whether the Tribunal has power to appreciate the evidence, after holding that the Departmental Enquiry is found to be as fair and proper. The Apex Court in a judgment reported in 2008 AIR SCW 3460 in the matter of MAVJIA C LAKUM Vs CENTRAL BANK OF INDIA, has clearly observed as follows:-

“After all the Tribunal has to judge on the basis of the proved misbehaviour. In this case we have already recorded that the Tribunal was firstly correct in holding that the misbehaviour was not wholly proved and whatever misconduct was proved, did not deserve the extreme punishment of discharge. The learned judge seems to be of the opinion that if the enquiry is held to be fair and proper, then the Industrial Tribunal cannot go into the question of evidence or the quantum of punishment. We are afraid that is not the correct law. Even if the enquiry is found to be fair, that would be only a finding certifying that all possible opportunities were given to the delinquent and the principles of natural justice and fair play were observed that does not mean that the findings arrived at were essentially the correct findings. If the Industrial Tribunal comes to the conclusion that the punishment given is shockingly disproportionate, the Industrial Tribunal would still be justified in re-appreciating the evidence and/or interfering with the quantum of punishment. There can be no dispute that power under section 11-A has to be exercised judiciously and the interference is possible only when the tribunal is not satisfied with the findings and further concludes that punishment imposed by the Management is highly disproportionate to the degree of guilt of the workman concerned. The Tribunal was justified in appreciating the fact that the charges were not only trivial and were not so serious as to entail the extreme punishment. Though the learned judge had discussed all the principles regarding the exercise of power under Section 11-A of the Industrial Disputes Act as also the doctrine of proportionality and the Wednesbury’s principles, we are afraid the learned judge has not applied all these principles properly to the present case.”

In the above case, the Apex Court has considered the scope of enquiry by the Industrial Tribunal, in the said case, the finding of the learned Single judge of the High Court as regards to the power of the Industrial tribunal in case of enquiry held as fair and proper that the Industrial tribunal cannot go into the question of the evidence or the quantum of punishment. The Apex Court has held that the said law is not a correct law. Even in case the enquiry is held fair and proper, the Tribunal has to find out as to whether the findings arrived at by the Enquiry Officer are correct findings and supported by evidence and also find out as to whether the punishment is shockingly disproportionate. Accordingly in the present case also, appropriate award has to be passed, based on the above mentioned facts and circumstances.

22. Further, Presenting Officer has admitted that, I Party/K.V. Sreenivasan wanted the summons to be issued to Shivanna. On that ground only, I Party/K.V. Sreenivasan has stated that, though Shivanna is the proper and necessary witness and he requested for examination, the Enquiry Officer has failed to give him reasonable opportunity to cross-examine him and defend the case properly. Further, I Party/K.V. Sreenivasan has explained in his evidence that, on 10.04.1989 he could not go to Ahmedabad to submit written arguments since he could not get reservation in train and through letters and telegram he intimated to Zonal Manager and Enquiry Officer and prayed for adjournment. Ex W-17 is the record to establish that I Party/K.V. Sreenivasan union is recognized, Ex W-18 is the copy of CBI notice and Ex W-19 is the press cuttings and Ex W-20 is also press cuttings. Based upon the said documents only I Party/K.V. Sreenivasan has pointed out that, on the ground of victimization he has been transferred from Bangalore to Tamil Nadu and thereafter reverted and ultimately dismissed. Further, I Party/K.V. Sreenivasan has pointed out that, Ex W-15 and Ex W-16 will show that, he has acted as Regional Secretary and also as per Ex W-7. Further, I Party/K.V. Sreenivasan has specifically stated in his evidence that, he continued as Secretary on the basis of Ex W-16 and I Party/K.V. Sreenivasan has rightly pointed out that, there is the difficulty for him to send written arguments by post before seeing the records of Domestic Enquiry.

23. Further, it has been pointed out on behalf of II Party that, on 08.06.1988 the I Party/K.V. Sreenivasan has been reverted as Assistant Grade-I and thereafter dismissed on 27.04.1989, and thereafter, the management has converted the dismissal order into the compulsory retirement. Further, in the judgment Before the 8th Industrial Tribunal, West Bengal in Case No. 5/94 u/o 33(2)(b), G.O. No. 2075, I-R., dated 08.05.1978, in the case of Steel Authority of India Limited Vs B. Yollappa, it is clearly held as follows:- “In 1979 (II) LLJ Page 194 S.C (relevant page 207) already mentioned above, the allegation not pleaded cannot be examined.” In the present case also, the allegation not pleaded

cannot be examined and even the provisions of section 33(2)(b) has not been properly invoked by the management, before the dismissal of the workman when admittedly the CR 30/89 is pending before this Tribunal. Further, I Party/K.V. Sreenivasan has also particularly stated that, he is the protected workman of union and besides that, CR is also pending, but without getting approval from this Court, the management has dismissed him from service and later converted dismissal into compulsory retirement, without any valid reasons.

24. Further, the I Party has filed the affidavit, and also stated that, he has been victimized as he has deposed before CBI regarding the malpractice adopted by Higher Officials. Further, it is seen that, the II Party/Management is adopting Super technical and hyper technical measures, so as to stop, the I Party/K.V. Sreenivasan from getting legal benefits, as per the provisions of the Industrial Disputes Act. Further, the intension of the legislature in enacting the social welfare provisions of Industrial Disputes Act would be defeated, if the untenable submissions of the II Party/Management are taken into consideration. Further, in the present case it is seen that II Party has not established that I Party has done the alleged misconduct as per the principles of preponderance of probability. In the judgement delivered in the case of Kendriya Vidyalaya Sangathan Vs J.Hussain 2013 SCC vol 10 page 106 @ paras 7&8, it is clearly observed as follows:- “A host of factors go into the decision making while exercising such a discretion which include, apart from the nature and gravity of misconduct, past conduct, nature of duties assigned to the delinquent, responsibility of duties assigned to the delinquent, previous penalty, if any, and the discipline required to be maintained in the department or establishment where he works, as well as extenuating circumstances, if any exists.” Also, in the case of Indian Railway Construction Company limited Vs Ajay Kumar reported in 2003 (4) SCC page 579, it is observed as follows:- “It will also be pertinent to mention that victimisation can be said to have occurred only when the charge against the employee is false.” In the present case also, it is seen that the charge as against the I Party/K.V. Sreenivasan has not been established by the II Party, in accordance with law and II Party has not strictly followed the law and there is violation, as such. On a careful perusal of entire materials on record, it is seen that II Party has not proved the alleged misconduct committed by the I Party, as per the principles of preponderance of probability.

25. Further, in the judgement delivered in the case of Delhi Transport Corpn. Vs D.T.C. Mazdoor Congress and Ors, (1991) Suppl. 1 SCC 600, it is clearly observed as follows:- “It is well settled in law that right to life enshrined under ART.21 of the Constitution would include right to livelihood. The order of illegal termination of the service of the I Party visits with civil consequence of jeopardizing not only livelihood but also puts an end to the career.” In the judgment delivered in WP No. 17316 of 2005(LK), by the Hon’ble Mr. Justice N. Kumar, dated 08.08.2005 in the case of The Divisional Controller Vs Sh. N. Ramachandra, it is held as follows: “As the discretion exercised by the Labour Court cannot be said to be perverse or arbitrary and when the said discretion has been exercised in a judicious manner after taking into consideration the facts of the case and the law governing the same, I do not find any infirmity in the award to interfere with the said discretion exercised by the Labour Court.” Also in the judgment reported in 1985-1-LLJ 101, the Hon’ble Supreme Court of India (Civil Appeal No.4692 (NL) of 1984, dated 8th May, 1985), Mr. Justice D.A. Desai, Mr. Justice V. Balakrishna Eradi, Mr. Justice V. Khalid in the case of Anil Kukar Vs Presiding Officer and Others, It is held as follows:- “Disciplinary enquiry has to be a quasi – Judicial enquiry – Enquiry Officer should give reasons for the conclusion and also why he preferred Management’s evidence to that of the delinquent employee’s – Termination order based on a report containing conclusions without reasons, is unsustainable.” In the present case also, it is seen that there is perversity in the finding of the Enquiry Officer, for the above mentioned reasons. Further, it is seen that this Court has to exercise the said discretion, as there is perversity in the finding of the Enquiry officer, for the above mentioned facts and circumstances. However, the I party is not entitled to get interest, as he has not produced the relevant and material records, regarding the said point.

26. Further, the awarding of reinstatement does not amount to automatic conferment of back wages as held in 2009 (4) LLJ 667 (SC) Malla C.N. Vs State of Jammu and Kashmir & others. Further, it is held by the Hon’ble Supreme Court, in the case of APSRTC Vs B.S. David Pal, reported in 2006 (2) SCC 282, that the entitlement of back wages is not automatic on reinstatement. Awarding of back wages, depend upon other factors and circumstances. The I Party has pointed out in the claim statement that the I Party has been thrown out of employment and is facing hardship. In the affidavit also, the I Party has stated that with no financial income the I Party is facing great hardship. However, the claim of the workman that, the I Party is entitled for the full back wages, cannot be considered, having regard to fact that the I Party has not performed any work for II Party from 1989 to the date of superannuation, for three years, and also, in order to balance the interest of both the parties, by adopting the balancing test or balancing process in the proper manner, this Court is of the considered opinion that in the facts and situation of the present case, 50% back wages and other consequential benefits only can be granted to the I Party. In the claim statement, the I Party has claimed interest, however the I Party has not enlightened the fact that the I Party is entitled to get interest also as prayed for in the claim statement by adducing relevant evidence and appropriate records. Hence, it is found that, the I Party is not entitled to get interest amount for the above mentioned factual reasons and also legal grounds.

27. Further, in the judgment reported in 2010-I-LLJ-861(SC), in C.A. No. 2874/2009, dated 28.04.2009, (Before Mr. Justice Tarun Chatterjee and Mr. Justice H.L. Dattu), in the case of Malwa Vanaspati & Chemical Co. Ltd. Vs

Rajendra, it is held as follows:- “Back Wages – Entitlement for full back wages – Depends upon facts and circumstances of each case – Employee reinstated in service – Question of termination or reinstatement not in dispute – Employee only entitled to 50% back wages.” Also, in the judgment reported in AIR 2009 Supreme Court 240, in C.A. No. 5425/2008, dated 02.09.2008, (Before Mr. Justice Tarun Chatterjee and Mr. Justice Aftab Alam), in the case of M.P. Electricity Board & Ors Vs Maiku Prasad, it is held as follows:- “Industrial Dispute Act (14/1947), Sch. 2, Item 6 – Back wages – Curtailment – Respondents’ service terminated for unauthorised absence – Termination set aside by Labour Court – Direction for reinstatement and payment of full back wages passed – Considering long period between termination and reinstatement for which respondent has not worked – Back wages reduced to 50%.” Further, in the judgment reported in 2010-I-LLJ-861(SC), in C.A. No. 2874/2009, dated 28.04.2009, (Before Mr. Justice Tarun Chatterjee and Mr. Justice H.L. Dattu), in the case of Malwa Vanaspati & Chemical Co. Ltd. Vs Rajendra, it is held as follows:- “Back Wages – Not to be granted mechanically, upon termination of service being held illegal- Service of workman terminated in 1987 – Labour Court gave its award in 2002 holding termination illegal – In circumstances of case, 50% back wages held proper and payment thereof accordingly directed.” In the present case also, it is found that, the I Party is entitled to get 50% of the amount, out of the total amount of the monetary benefits with continuity of service, and other consequential benefits that I Party would have received in the absence of the impugned punishments, imposed by the II Party.

28. Further, in the judgment reported in 2009-I-LLJ 1 [SC], between Senior Regional Manager, TASMAL Ltd. and another Vs The M. Raviselvam, it is held as follows:- “Back wages-payment of back wages questioned- On reinstatement, full back wages is not to be paid automatically. It depends upon facts of each case. In the present case order for payment of back wages modified to the extent of 50% to be paid by the Management.” And in the judgment reported in 1999-LLJ-I-pg 1260-1265 [SC], between Ajaib Singh Vs Sirhind Co-operative Marketing-Cum-Processing Service Society, it is clearly held as follows:- “Delay in seeking relief by workman against Termination of Service- Article 137 of Schedule to Limitation Act not applicable to proceedings under I.D. Act – Workman entitled to 60% of back wages.” Further, in the judgment reported in 1990 [61] FLR 768, between Delhi Transport Corporation Vs D.T.C. Mazdoor Congress and others, it is held as follows:- “A confirmed and permanent employee-Terminated without one month’s notice or pay in lieu of and without holding enquiry and affording any opportunity-Termination was illegal-Principles of natural justice violated.” In the present case also, the II Party has terminated the I Party without following the Principles of natural justice and without holding proper enquiry and also without offering adequate opportunity to the I Party to put forth his defence. Further, in the judgment reported in 2010-I-LLJ 682 [Bom], between Santhosh Kumar, S/o Babulal Gupta Vs Sub-Area Manager, Western Coal Fields Ltd., Maharastra and another, it is held as follows:- “Dismissal of workman from service – no enquiry held – termination order not served on workman – punishment held disproportionate – deprivation of 50% back wages with warning issued to workman held would be proper.” In the present case also, it is seen that 50% of backwages and consequential benefits would be proper and also legal.

29. Further, on perusal of material records, it is seen that, I Party/K.V. Sreenivasan has been appointed on 08.11.1957 and subsequently, served in Food Corporation of India w.e.f. 08.04.1965 and on 20.01.1987, the I Party/K.V. Sreenivasan has been transferred to Tamil Nadu Region and on 08.06.1988, the I Party/K.V. Sreenivasan has been reverted from the post of Assistant Manager to Assistant Grade-I and on 27.04.1989, I Party/K.V. Sreenivasan has been dismissed from service, and on 14.09.1993, the Management has passed the order, converting the order of dismissal, to that of Compulsory Retirement to the I Party/K.V. Sreenivasan, and on 31.05.1989 itself, the I Party/K.V. Sreenivasan has filed the Complaint under section 33A of the Industrial Dispute Act, 1947. In the said circumstances, also, it is seen that, the said actions of the Management have not been taken, as per the principles of natural justice, fairness and reasonableness. Further, on the totality of the above mentioned facts and circumstances, and also, after taking into consideration the evidences and exhibits mentioned herein below, in the proper perspective, the following award is passed, in the best interest of justice, equity and fair play.

AWARD

The II Party/Management is not justified in imposing the punishment of Dismissal of I party/ Sh. K.V. Sreenivasan with effect from 27.04.1989 and also, the transfer of I party to Tamil Nadu Region, and II Party is directed to pay to the I Party 50% of the amount, out of the total amount of back wages and also all other consequential benefits, salary and allowances and all benefits and promotions due and payable to the I Party LESS already paid amount to I Party, from the date of Dismissal, namely, 27.04.1989 till the superannuation date i.e., 30.06.1992 to which the I Party would have been entitled in the absence of the impugned actions taken by II Party. In computing such benefits the I Party shall be deemed have been in continuous service of II Party, till the date the I Party attains the age of retirement and the present matters are ordered, accordingly, without cost for the above mentioned peculiar facts and circumstances.

(Dictated, transcribed, corrected and signed by me on 14th September, 2017)

V. S. RAVI, Presiding Officer

In C R No. 30/1989 Sreenivasan Vs F C I**List of Witness on the side of I Party:**

WW 1	Sh. K.V. Sreenivasan, I Party/ workman
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List of Witness on the side of II Party:

MW 1	Sh. V. Thyagaraj, District Manager, II Party/ Management
MW 2	Sh. S.L.N. Sastry, Assistant Manager, II Party/ Management
MW 3	Sh. D. Ravindra Kumar, Manager (Internal Audit & Physical Verification), II Party/ Management

Exhibit marked on behalf of I Party:

Exhibits	Date	Description of Document
Ex W-1	27.04.1989	Order passed by Zonal Manager
Ex W-2	06.12.1986	Letter from Regional Manager to Zonal Manager

Exhibit marked on behalf of II Party:

Exhibits	Date	Description of Document
Ex M-1	16.01.1987	Posting & Transfer Order issued to I Party
Ex M-2	20.01.1987	Transfer & Posting Order issued to I Party
Ex M-3	10.02.1987	Transfer & Posting Order issued to I Party
Ex M-4	20.08.1986	Promotion order issued to I Party
Ex M-5	28.08.1986	Promotion order issued to I Party
Ex M-6	31.12.1986	Promotion order issued to other employees
Ex M-7	02.04.1987	New Transfer Policy Guidelines
Ex M-8	28.01.1987	Order passed in W.P. No. 1126/1987
Ex M-9	19.10.1987	Order passed in W.P. No. 15666/1987
Ex M-10	-	Enquiry Documents filed
Ex M-11	-	Job Descriptions
Ex M-12	18.05.1993	Adoption of IDA Pattern Scales of Pay
Ex M-13	-	Control Register of Salaries & Allowances

In Comp No. 01/1989 Sreenivasan Vs F C I**List of Witness on the side of I Party: (V)**

CW 1	Sh. K.V. Sreenivasan, I Party/ workman
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नई दिल्ली, 5 अक्टूबर, 2017

का.आ. 2405.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स सीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 79/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28.09.2017 को प्राप्त हुआ था।

[सं. एल-20012/24/1996-आईआर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 5th October, 2017

S.O. 2405.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 79 of 1997) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. CCL and their workmen, which was received by the Central Government on 28.09.2017.

[No. L-20012/24/1996-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

Reference : No. 79/1997

Employer in relation to the management of Tapin North Colliery, CCL

AND

Their workman

Present : Shri R. K. Saran, Presiding Officer

Appearances:

For the Employers : Shri D.K. Verma, Advocate

For the workman : None

State : Jharkhand

Industry : Coal

Dated- 07/09/2017

AWARD

By Order No. L-20012/24/1996-IR(C-I) dated 19/03 /1997 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

“Whether the claim of the Union that Sh. Muneshwar Singh, Armed Guard was illegally superannuated on 15/08/1995 instead of 15/08/1997 by the management of Tapin North Project of M/s. CCL is correct? If so, to what relief is the workman entitled?”

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently on behalf of the Sponsoring Union. Management is present. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 2017

का.आ. 2406.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार

औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 203/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28.09.2017 को प्राप्त हुआ था।

[सं. एल-20012/349/1996-आईआर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 5th October, 2017

S.O. 2406.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 203 of 1997) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 28.09.2017.

[No. L-20012/349/1996-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

Reference : No. 203/1997

Employer in relation to the management of Barora Area of M/s. BCCL

AND

Their workman

Present : Shri R. K. Saran, Presiding Officer

Appearances:

For the Employers : None

For the workman : None

State : Jharkhand

Industry : Coal

Dated- 05/09/2017

AWARD

By Order No. L-20012/349/1996-IR(C-I) dated 25/11/1997 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the General Manager, Barora Area of M/s. BCCL in stopping the increment of Sh. H.P. Napit, Assistant Cashier and his demotion from Clerical Grade-II to Clerical Grade-II is justified? If not, to what relief is the concerned workman entitled?”

2. After receipt of the reference, both parties are noticed. But after filing of written statement on behalf of the union, none appears subsequently. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 2017

का.आ. 2407.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 202/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28.09.2017 को प्राप्त हुआ था।

[सं. एल-20012/350/1996-आईआर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 5th October, 2017

S.O. 2407.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 202 of 1997) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 28.09.2017.

[No. L-20012/350/1996-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

Reference : No. 202/1997

Employer in relation to the management of Sudamdih Area of M/s. BCCL

AND

Their workman

Present : Shri R. K. Saran, Presiding Officer

Appearances:

For the Employers : None

For the workman : Shri S.C. Gour, Rep.

State : Jharkhand

Industry : Coal

Dated- 06/09/2017

AWARD

By Order No. L-20012/350/1996-IR(C-I) dated 25/11/1997 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

“Whether the demand of the Union for the employment of one dependent of Sh. Bhusan Chandra under NCWA Provision is legal and justified? If so, to what relief is the dependent entitled?”

2. This Case is received from the Ministry on 03.12.1997. After receipt of the reference, both parties are noticed. During the pendency of the case Ld. Counsel of the sponsoring Union submits that workman is not interested to contest the case. It is felt that the dispute between parties is resolved. Hence “No dispute” award is passed. communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 2017

का.आ. 2408.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 199/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28.09.2017 को प्राप्त हुआ था।

[सं. एल-20012/375/1996-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 5th October, 2017

S.O. 2408.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 199 of 1997) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 28.09.2017.

[No. L-20012/375/1996-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

Reference : No. 199/1997

Employer in relation to the management of Kusunda Area of M/s. BCCL

AND

Their workman

Present : Shri R. K. Saran, Presiding Officer**Appearances:**

For the Employers : None

For the workman : None

State : Jharkhand

Industry : Coal

Dated- 06/09/2017

AWARD

By Order No. L-20012/375/1996-IR(C-I) dated 25/11/1997 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of BCCL in not regularizing Smt. Kaushalya Devi and Smt. Ful Kumari Bhuini in time- rated category as per the nature of work being performed by them, with protection of last stage drawn by them as wagon Loader is legal and justified? If not, to what relief are these workmen entitled?”

2. After receipt of the reference, both parties are noticed. But none appears from either side. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 2017

का.आ. 2409.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स सीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 188/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28.09.2017 को प्राप्त हुआ था।

[सं. एल-20012/238/1997-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 5th October, 2017

S.O. 2409.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 188 of 1997) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. CCL and their workmen, which was received by the Central Government on 28.09.2017.

[No. L-20012/238/1997-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

Reference : No. 188/1997

Employer in relation to the management of Sirka Colliery of M/s. CCL

AND

Their workman

Present : Shri R. K. Saran, Presiding Officer

Appearances:

For the Employers : Shir D.K. Verma, Advocate

For the workman : None

State : Jharkhand

Industry : Coal

Dated- 05/09/2017

AWARD

By Order No. L-20012/238/1997-IR(C-I) dated 10/11/1997 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

“Whether the demand of the Union for payment of wages to Sri R.K. Upadhyay, Sr. Clerk, Sirka Colliery for one and half hours daily from April, 1981 to July, 1992 by the management of Sirka Colliery of Central Coalfields Ltd. Is justified? If not, to what relief is the workman entitled?”

2. After receipt of the reference, both parties are noticed. But after filing of written statement on behalf of the union, none appears subsequently. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 2017

का.आ. 2410.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 118/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28.09.2017 को प्राप्त हुआ था।

[सं. एल-20012/92/1996-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 5th October, 2017

S.O. 2410.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 118 of 1997) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 28.09.2017.

[No. L-20012/92/1996-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

Reference : No. 118/1997

Employer in relation to the management of Bhowra (N) Colliery of M/s. BCCL

AND

Their workman

Present : Shri R. K. Saran, Presiding Officer

Appearances:

For the Employers : Shir D.K. Verma, Advocate

For the workman : Shri S.C. Gour, Rep.

State : Jharkhand

Industry : Coal

Dated- 07/09/2017

AWARD

By Order No. L-20012/92/1996-IR(C-I) dated 01/05/1997 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of Bhowra (N) Colliery in denial to accept the age of the workman Shri Kartik Mahato as recording to his Mining Sirdar/ Gas Testing Certificate is justified? If not, to what relief the concerned workman is entitled?”

2. This Case is received from the Ministry on 03.06.1997. After receipt of the reference, both parties are noticed. During the pendency of the case Ld. Counsel of the sponsoring Union submits that workman is not interested to contest the case. It is felt that the dispute between parties is resolved. Hence “No dispute” award is passed. communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 2017

का.आ. 2411.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स सीसीएल के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 80/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28.09.2017 को प्राप्त हुआ था।

[सं. एल-20012/53/1996-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 5th October, 2017

S.O. 2411.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 80 of 1997) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. CCL and their workmen, which was received by the Central Government on 28.09.2017.

[No. L-20012/53/1996-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

Reference : No. 80/1997

Employer in relation to the management of Swang Washery of M/s. CCL

AND

Their workman

Present : Shri R. K. Saran, Presiding Officer**Appearances:**

For the Employers : Shir D.K. Verma, Advocate

For the workman : None

State : Jharkhand

Industry : Coal

Dated- 07/09/2017

AWARD

By Order No. L-20012/53/1996-IR(C-I) dated 02/04/1997 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of Swang Washery of M/s. Central Coalfields limited in declining the departmentalization/ regularization of S/Shri Rabindra Kumar Singh, Sachidanand Singh, Chandeshwar Singh Suresh Singh and Rajendra Singh, Plant Cleaning Mazdoors is justified? If not, to what relief are these workmen entailed and from which date?

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 2017

का.आ. 2412.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 243/1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28.09.2017 को प्राप्त हुआ था।

[सं. एल-20012/80/1993-आईआर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 5th October, 2017

S.O. 2412.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 243 of 1994) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 28.09.2017.

[No. L-20012/80/1993-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

Reference No. 243/1994

Employer in relation to the management of Khas Kusunda Colliery of M/s. BCCL

AND

Their workmen

Present : Shri R. K. Saran, Presiding Officer**Appearances:**

For the Employers : Shri D.K. Verma, Advocate
Shri U.N. Lall, Advocate

For the workman : Shri R.K. Mukherjee, Advocate

State : Jharkhand

Industry : Coal

Dated- 06/09/2017

AWARD

By Order No. L-20012 /80/1993/IR (C-I) dated 24/10/1994, the Central Government in the Ministry of Labour has in exercise of the power conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

SCHEDULE

“Whether the employer-employee relationship existed between the management of Khas Kusunda Colliery of M/s. B.C.C. Ltd. and 319 General mazdoor (list enclosed) and whether the action of the management in denying to regularize them was legal and justified? If not, what relief are these workmen entitled to?”

Annexure**List of workmen**

Sl. No.	Name	Designation	Colliery
1	Birendra Kumar Yadav	General Mazdoor	Khas Kusunda
2	Harendra Sharma	-do-	-do-
3	Arbind Kr. Singh	-do-	-do-
4	Ramjee Mishra	-do-	-do-
5	Ramshish Pandey	-do-	-do-
6	Rajesh Kumar	-do-	-do-
7	Jawahar Lal Mishra	-do-	-do-
8	Prabhakar Kumar	-do-	-do-
9	Ram Akbal Pandey	-do-	-do-
10	Manoj Kr. Ray	-do-	-do-
11	Kameshwar Yadav	-do-	-do-
12	Kartik Yadav	-do-	-do-
13	Kamelsh Kr. Ray	-do-	-do-
14	Satish Kumar Ray	-do-	-do-
15	Jitendra Kr. Roy	-do-	-do-
16	Ashok Kr. Choudhary	-do-	-do-
17	Surendra Pd. Ray	-do-	-do-
18	Rama Shankar Prasad	-do-	-do-
19	Ravi Shankar Prasad	-do-	-do-
20	Bhuneshwar Kumhar	-do-	-do-
21	Ajay Kr. Singh	-do-	-do-
22	Lakhan Kumhar	-do-	-do-
23	Bhola Kumhar	-do-	-do-
24	Puran Mahato	-do-	-do-
25	Bishu Rawani	-do-	-do-
26	Tara Chand Rawani	-do-	-do-
27	Ram Bhajan Rawani	-do-	-do-
28	Shashi Kant Singh	-do-	-do-
29	Awadesh Prasad	-do-	-do-

30	Shankar Kumhar	-do-	-do-
31	Kanahi Mahato	-do-	-do-
32	Nago Kumhar	-do-	-do-
33	Sharweshwar Rawani	-do-	-do-
34	Rati Rawani	-do-	-do-
35	Megal Rawani	-do-	-do-
36	Badri Thakur	-do-	-do-
37	Prabhu Bishwakiarma	-do-	-do-
38	Bhuneshwar Bhuiya	-do-	-do-
39	Babulal Bhuiya	-do-	-do-
40	Sakun Devi	-do-	-do-
41	Sabij Rajwarni	-do-	-do-
42	Suresh Pd. Verma	-do-	-do-
43	Rajendra Pd. Verma	-do-	-do-
44	Bhola Mahto	-do-	-do-
45	Tiket Mahato	-do-	-do-
46	Subal Mahato	-do-	-do-
47	Bharat Mahato	-do-	-do-
48	Narayan Mahato	-do-	-do-
49	Om Prakash Ram	-do-	-do-
50	Harindra Ram	-do-	-do-
51	Sita Ram Shaw	-do-	-do-
52	Parbhu Shaw	-do-	-do-
53	Jusan Mian	-do-	-do-
54	Mustakim Mia	-do-	-do-
55	Brajesh Kr. Singh	-do-	-do-
56	Ibrahim Mia	-do-	-do-
57	Raghubir Pandey	-do-	-do-
58	Rama Shankar Pandey	-do-	-do-
59	Radha Narayan Pandey	-do-	-do-
60	Parmeshwar Pandit	-do-	-do-
61	Durga Pandit	-do-	-do-
62	Chandra Bhushan Ray	-do-	-do-
63	Jagdish Ray	-do-	-do-
64	Binod Kumar	-do-	-do-
65	Ghanshyam Jha	-do-	-do-
66	Sri Kishori Pd. Singh	-do-	-do-
67	Sri Basant Kumar Mishra	-do-	-do-
68	Ganesh Saw	-do-	-do-
69	Ram Sundar Shaw	-do-	-do-

70	Binod Kumar	-do-	-do-
71	Dinesh Pandit	-do-	-do-
72	Dilip Kumar	-do-	-do-
73	Deo Mohan Kumar	-do-	-do-
74	Rajendra Ram	-do-	-do-
75	Dagru Mahto	-do-	-do-
76	Bishundeo Mahto	-do-	-do-
77	Satya Naraayan Yadav	-do-	-do-
78	Dhirendra Kr. Yadav	-do-	-do-
79	Baleshwar Yadav	-do-	-do-
80	Shambhu Pd. Yadav	-do-	-do-
81	Krishna Kumar	-do-	-do-
82	Binod Kumar	-do-	-do-
83	Chandradip Yadav	-do-	-do-
84	Biond Pd. Verma	-do-	-do-
85	Lalita Devi	-do-	-do-
86	Chandrabati Devi	-do-	-do-
87	Binod Pd. Yadav	-do-	-do-
88	Shibu Pd. Yadav	-do-	-do-
89	Md. Hushain	-do-	-do-
90	Md. Nasiuddin	-do-	-do-
91	Md. Irsad Alam	-do-	-do-
92	Md. Ayub Ansari	-do-	-do-
93	Md. Asgar Ansari	-do-	-do-
94	Md. Nazir Hussain	-do-	-do-
95	Md. Maqsud Ansari	-do-	-do-
96	Md. Sakur Ansari	-do-	-do-
97	Md. Islam Ansari	-do-	-do-
98	Md. Safruddin Ansari	-do-	-do-
99	Atikur Rahman	-do-	-do-
100	Md. Mustafa Ansari	-do-	-do-
101	Parmeshwar Kumhar	-do-	-do-
102	Pawan Kumar Sinha	-do-	-do-
103	Ramanuj Kr. Sinha	-do-	-do-
104	Bijay Shankar	-do-	-do-
105	Murlinagar Yadav	-do-	-do-
106	Shiv Nath Yadav	-do-	-do-
107	Bhikhari Yadav	-do-	-do-
108	Bijulia Yadav	-do-	-do-

109	Laxman Yadav	-do-	-do-
110	Kumar Gwala	-do-	-do-
111	Jawahir Gope	-do-	-do-
112	Jamalin Yadav	-do-	-do-
113	Kumar Yadav	-do-	-do-
114	Raj Kumar Pandey	-do-	-do-
115	Rajesh Kr. Yadav	-do-	-do-
116	Malti Kamin	-do-	-do-
117	Chandra Bhushan Roy	-do-	-do-
118	Ram Balak Singh	-do-	-do-
119	Rajesh Yadav	-do-	-do-
120	Jogendra Yadav	-do-	-do-
121	Md. Israil	-do-	-do-
122	Chand Molik Pd.Sharma	-do-	-do-
123	Ram Prasad Ram	-do-	-do-
124	Sharban Kumar	-do-	-do-
125	Shanti Devi	-do-	-do-
126	Umesh Prasad	-do-	-do-
127	Govind Jee Pandey	-do-	-do-
128	Bhaju Rawani	-do-	-do-
129	Lakhan Yadav	-do-	-do-
130	Deonath Yadav	-do-	-do-
131	Kelash Ram	-do-	-do-
132	Kailash Yadav	-do-	-do-
133	Jaldhar Yadav	-do-	-do-
134	Misri Yadav	-do-	-do-
135	Preman Yadav	-do-	-do-
136	Ram Balak Yadav	-do-	-do-
137	Baleshwar Yadav	-do-	-do-
138	Diwakar Yadav	-do-	-do-
139	Sundar Yadav	-do-	-do-
140	Shankar Yadav	-do-	-do-
141	Bisheswar Paswan	-do-	-do-
142	Dipak Paswan	-do-	-do-
143	Laxman Pd. Yadav	-do-	-do-
144	Prakash Thakur	-do-	-do-
145	Prakash Sharma	-do-	-do-
146	Mahendra Sharma	-do-	-do-
147	Prahlad Sharma	-do-	-do-
148	Anil Rajak	-do-	-do-

149	Hira Yadav	-do-	-do-
150	Masudan Yadav	-do-	-do-
151	Ram Sarup Yadav	-do-	-do-
152	Baidhu Yadav	-do-	-do-
153	Siyaram Chorasiya	-do-	-do-
154	Raj KIumar Shaw	-do-	-do-
155	Jamuna Yadav	-do-	-do-
156	Satya Narayan Ray	-do-	-do-
157	Karu Roy	-do-	-do-
158	Arbind Roy	-do-	-do-
159	Mithilesh Ray	-do-	-do-
160	Niranjan Yadav	-do-	-do-
161	Madan Jha	-do-	-do-
162	Krishna Kant Bajpayee	-do-	-do-
163	Gandhi Yadav	-do-	-do-
164	Shankar Yadav	-do-	-do-
165	Manoj Kr. Singh	-do-	-do-
166	Brajendra Yadav	-do-	-do-
167	Umesh Thakur	-do-	-do-
168	Pramod Kumhar	-do-	-do-
169	Shambhu Mahato	-do-	-do-
170	Nago Singh	-do-	-do-
171	Munna Kumhar	-do-	-do-
172	Subash Chand Bhandari	-do-	-do-
173	Rajendra Mishra	-do-	-do-
174	Rabi Shankar Singh	-do-	-do-
175	Mahadeo Yadav	-do-	-do-
176	Lalan Yadav	-do-	-do-
177	Ramesh Kr. Gupta	-do-	-do-
178	Ram Borai Prasad	-do-	-do-
179	Jatendra Gupta	-do-	-do-
180	Sri Prasad	-do-	-do-
181	Strughan Twari	-do-	-do-
182	Dhananjay Mahto	-do-	-do-
183	Falo Mahato	-do-	-do-
184	Mithilesh Singh	-do-	-do-
185	Parmanand Jha	-do-	-do-
186	Angad Pd. Verma	-do-	-do-
187	Suresh Pd. Yadav	-do-	-do-

188	Binod Mandal	-do-	-do-
189	Shiv Narayan Singh	-do-	-do-
190	Anil Sharma	-do-	-do-
191	Manoj Kr. Sharma	-do-	-do-
192	Rajendra Shaw	-do-	-do-
193	Prasadi Bhuiya	-do-	-do-
194	Ambika Pd. Singh	-do-	-do-
195	Umesh Mahato	-do-	-do-
196	Murai Jha	-do-	-do-
197	Rama Shankar Jha	-do-	-do-
198	Binod Singh	-do-	-do-
199	Manoj Rama	-do-	-do-
200	Rameshwar Mahto	-do-	-do-
201	Rajendra Shaw	-do-	-do-
202	Rameshwar Mahtao	-do-	-do-
203	Shiv Narayan Mahato	-do-	-do-
204	Radheshyan Mahato	-do-	-do-
205	Dinesh Mahato	-do-	-do-
206	Indradeo Mahato	-do-	-do-
207	Kaleshwar Mahato	-do-	-do-
208	Ram Mahato	-do-	-do-
209	Shyam Mahato	-do-	-do-
210	Madan Ray	-do-	-do-
211	Pudo Roy	-do-	-do-
212	Kishan Mahtao	-do-	-do-
213	Bishun Mahato	-do-	-do-
214	Raman Mahato	-do-	-do-
215	Suleman Mian	-do-	-do-
216	Uday Narayan Singh	-do-	-do-
217	Lakhan Pandit	-do-	-do-
218	Surendra Pd. Singh	-do-	-do-
219	Shiv nand Singh	-do-	-do-
220	Jamun Sharma	-do-	-do-
221	Umesh Pd. Singh	-do-	-do-
222	Bijay Prasad	-do-	-do-
223	Tahbuti Mian	-do-	-do-
224	Kishori Singh	-do-	-do-
225	Vijay Kumar	-do-	-do-
226	Diwakar Pd. Yadav	-do-	-do-
227	Buthu Shaw	-do-	-do-

228	Ganesh Yadav	-do-	-do-
229	Ganesh Yadav	-do-	-do-
230	Dinbandhu Yadav	-do-	-do-
231	Suresh Verma	-do-	-do-
232	Dasrath mahato	-do-	-do-
233	Laxmi Mahato	-do-	-do-
234	Brajendra yadav	-do-	-do-
235	Ram balak yadav	-do-	-do-
236	Rajendra mandal	-do-	-do-
237	Nandlal mandal	-do-	-do-
238	Ganesh Prasad	-do-	-do-
239	Askhileshwar Shaw	-do-	-do-
240	Surendra Shaw	-do-	-do-
241	Ram naresh Shaw	-do-	-do-
242	Janardhan Pandey	-do-	-do-
243	Baleshwar Pandit	-do-	-do-
244	Ramu Yadav	-do-	-do-
245	Sanu Mahato	-do-	-do-
246	Ajay Kr Singh	-do-	-do-
247	Pramod Narayan Singh	-do-	-do-
248	Dulal Chand mahato	-do-	-do-
249	Sudodhan mahato	-do-	-do-
250	Dahru Mahato	-do-	-do-
251	Kartik Yadav	-do-	-do-
252	Yadunandan Prasad	-do-	-do-
253	Bishwanath Prasad	-do-	-do-
254	Mahesh Thakur	-do-	-do-
255	Rajesh Kumar yadav	-do-	-do-
256	Gotam Banerjee	-do-	-do-
257	Mohan Yadav	-do-	-do-
258	Jwala Pd. Yadav	-do-	-do-
259	Jay Prakash Yadav	-do-	-do-
260	Md. Shirajuddin	-do-	-do-
261	Bhukhan Turi	-do-	-do-
262	Alakhdeo Pd. Yadav	-do-	-do-
263	Indra Bhushan Pd.	-do-	-do-
264	Umesh Pathak	-do-	-do-
265	Shambhu Ojha	-do-	-do-
266	Raju Kumhar	-do-	-do-

267	Ganesh Kumhar	-do-	-do-
268	Vidyanand Mahato	-do-	-do-
269	Upendra nath Singh	-do-	-do-
270	Subal Pd. Verma	-do-	-do-
271	Bharath Pd. Verma	-do-	-do-
272	Naresh Pd. Verma	-do-	-do-
273	Hamin Mahato	-do-	-do-
274	Bidya Nath Dutta	-do-	-do-
275	Ram Praye Yadav	-do-	-do-
276	Shiv Govind Prasad	-do-	-do-
277	Shankar Yadav	-do-	-do-
278	Hawal Yadav	-do-	-do-
279	Naresh Yadav	-do-	-do-
280	Bhuneshwar Thakur	-do-	-do-
281	Krishnadeo Prasad	-do-	-do-
282	Vijay Choudhary	-do-	-do-
283	Vijoy Kumar	-do-	-do-
284	Dinesh Kr. Shaw	-do-	-do-
285	Sudhir Mahato	-do-	-do-
286	Raj Kumar Yadav	-do-	-do-
287	Shiv Kr. Yadav	-do-	-do-
288	Rajiv Kumar	-do-	-do-
289	Anandi Pd. Verma	-do-	-do-
290	Mithilesh Kumar	-do-	-do-
291	Mahesh Paswan	-do-	-do-
292	Surendra Pd. Singh	-do-	-do-
293	Binod Kumar Mishra	-do-	-do-
294	Rajiv Kr. Ray	-do-	-do-
295	Shioji Ray	-do-	-do-
296	Brahmdeo Pd.	-do-	-do-
297	Bhairab Pd. Verma	-do-	-do-
298	Rajendra Ravidas	-do-	-do-
299	Binay Kumar	-do-	-do-
300	Sanjay Kumar	-do-	-do-
301	Mahendra Shaw	-do-	-do-
302	Shankar Ram	-do-	-do-
303	Ganesh Rawani	-do-	-do-
304	Sunil Rawani	-do-	-do-
305	Binod Rawani	-do-	-do-
306	Sahdeo Paswan	-do-	-do-

307	Bhola Ram	-do-	-do-
308	Ajay Kumaresh	-do-	-do-
309	Ajit Kumar	-do-	-do-
310	Ram Rewani	-do-	-do-
311	Gorakh Ram Pandit	-do-	-do-
312	Anil Pandit	-do-	-do-
313	Rajesh Kumar	-do-	-do-
314	Jay Prakash Tiwari	-do-	-do-
315	Bhola Ram	-do-	-do-
316	Ajay Kumaresh	-do-	-do-
317	Deo Prakash Ojha	-do-	-do-
318	Ajit Kumar	-do-	-do-
319	Bijay Choudhary	-do-	-do-

2. The case is received from Ministry of Labour on 31.10.1994. The Sponsoring Union files written statement on 08/12.12.1994 and the management files their written statement on 25/27.04.1995. One witness examined on behalf of the management but three witnessess examined on behalf of the workman. Documents of the workman marked as W-1 to W-11

3. The case of the workman is that all the concerned workmen have been working as General Mazdoor in Khas Kusunda Colliery of M/S BCCL and they are performing the jobs of permanent nature and is such the said jobs are available throughout the years without any break under direct control and supervision of the said management.

4. It is further submitted by the workmen that the job performed by the concerned workmen are essentially management's job and the said management only to deprive the concerned workmen of their legitimate rights of regularization have not certain intermediaries for some limited purpose like disbursing their payment and branding them as contractor workers whereas they are actually not the contractor workers but direct employees of the management.

5. It is also submitted by the sponsoring Union that various statutory records and registers are not maintained by the management in respect of the said workmen. it is asked to the management to regularize the concerned workmen and to pay proper wages on various occasions but the management has always ignored their genuine demand and has utterly failed to comply with the relevant provisions of law.

6. On the other hand the case of the management is that the demand of sponsoring Union before the ALC (C) for regularization of Birendra Kumar Yadav and 318 others asserting that they were working as General Mazdoor in west Godhur Section IX and X seam working of Khas Kusunda Colliery of the management. It is also submitted by the management before the Asstt. Labour Commissioner that none of the concerned persons were on the role of the company at any point of time and it was absurd to claim that they had worked as General Mazdoor in IX and X seam working of Khas Kusunda Colliery

7. It is further submitted by the management that the sponsoring Union did not cite the name of any contractor under whom son or any of them ever worked as contract labour . By the dilatory tactis adopted by the sponsoring Union by not giving the name of the contractor /intermediary , who gave payment to the concerned persons , it is clear that the concerned persons are merely job seekers and they have approached the sponsoring Union for providing them job under the management . They were never the genuine workmen working under any contractor at any period of time.

8. It is also submitted by the management that the management has got sufficient number of workmen on its role to carry on the jobs of General mazdoors. It is absurd to imagine that 300 or more workmen could be employed as general mazdoor in a one coal mine like Khas Kusunda Colliery. The General Mazdoor are time rated workers carrying on miscellaneous jobs of unskilled nature of job.

9. The jobs of unskilled nature and the scope for their employment under any contractor did not exist. The Jobs are to be carried on under ground on contract basis are always given to persons possessing with specialized skill on some jobs and such contractors always engage the specialized workers for such jobs, They did not engage General Mazdoor on the specialized contract job.

10. It is further submitted by the management that the sponsoring union has not come forward with the work order under which the concerned persons have worked so that the nature of jobs performed by them could be known. Thus is view of the vagueness of the present case which has been initiated with the sole aim of providing employment by job seekers.
11. The case received for regularization of contract workers in the BCCL management subsequently a corrigendum received to read contract workers as General Mazdoor. Initially the reference was not referred by the conciliation officer and after a writ the reference has been received. Parties are noticed, written statement and document filed by the parties. And thereafter 3 witnesses examined from the said of the workman.
12. The Sponsoring Union in their written statement stated that they are the general mazdoor of the BCCL. But the BCCL management is treating them as contractor workers. The management submitted in their written statement that general mazdoor are regular employee of the management.
13. As per management submission the workman are neither the general mazdoor nor the contractor workman under the management. The attendance register filed in the case, has been marked with objection. Certain attendance register have been filed which are also photo copy.
14. WW-3 is the union president who was not among the concerned workman. But being the president of the sponsoring union he says that "I can not says who was the contractor/intermediaries. I have not filed the appointment letter of the workman as there was not provisions for casual employee" again says that "I do not remember whether mentioned in written statement or deposition in chief mentioned that the workmen were casual workers. No ID card of workmen filed by me."
15. WW-1 and WW-2 are concerned workman., WW-1 says that they have been working in the colliery from 1976, From 1976 to 93. The workman is aged about 43 as on 13.03.13 as per his affidavit That means he was a baby at the time of 1976. And he also says that my work was supervised by the contractor's supervisor and they were also signing the register of contractor.
16. WW-2 is aged 40 as on 05.08.2011 as per affidavit filed, his condition is same. It is also admitted by WW-2 that "I have no paper to show that, I was engaged by BCCL or worked." It means they are not engaged by BCCL or not contract workers as per own admission of witness and Union.
17. Perusing the evidence of all witnesses it appears that the persons are fake. Accordingly the persons neither entitled to regularization as general mazdoor nor contractor workmen.
18. Considering the facts and circumstances of this case, I hold that there is not employer-employee relationship existed between the management of Khas Kusunda Colliery of M/S B.C.C.Ltd and 319 General mazdoor hence the action of the management in denying to regularize them is justified, claim refused. And they were not entitled to get any relief.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 2017

का.आ. 2413.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय नं. 1, मुम्बई के पंचाट (संदर्भ संख्या 42/1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.10.2017 को प्राप्त हुआ था।

[सं. एल-12012/28/1994-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 5th October, 2017

S.O. 2413.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 42/1994) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Mumbai as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 05.10.2017.

[No. L-12012/28/1994-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI****PRESENT : JUSTICE SURENDRA VIKRAM SINGH RATHORE, Presiding Officer****REFERENCE NO. CGIT-1/42 OF 1994****Parties :**

Employers in relation to the management of State Bank of India

And

Their workmen (R.N.Patil)

Appearances :

For the Management : Mr. S.V. Alva, Adv.
 For the workman : Mr. Abhay Kulkarni, Adv.
 State : Maharashtra

Mumbai, dated the 10th day of April, 2017**AWARD**

1. As per the Schedule of this Reference, the following Industrial dispute was referred to this Tribunal.

“Whether the action of the management of State Bank of India, Dondaicha Branch, in discharging R.N.Patil, Clerk-Cashier from service w.e.f. 25.7.1991 is justified? If not, what relief is the said workman entitled to?”

2. The facts giving rise to this Industrial dispute, in brief are that the workman R.N.Patil, was working as Clerk/Cashier in State Bank of India at Dundaicha Branch in Dhulia District, Maharashtra for the last 14 years. He was initially given chargesheet on 6.10.1989. Enquiry proceedings from 16.1.90 to 16.2.1990 remained exparte and the Enquiry Officer submitted its finding to the Disciplinary Authority on 26.3.1990. During pendency of this enquiry on 15.1.1990, the Bank issued another chargesheet against the workman with different charges. Subsequently, it was agreed between the parties that one single consolidated enquiry shall be held on both the charges on day to day basis and Mr.M.M.Deshpande was appointed the Enquiry Officer. This enquiry commenced on 22.5.1990 and concluded on 14.8.1990. The charges were found to be proved and on the basis of the same, R.N.Patil was dismissed from service. This Tribunal vide its Award Part – I dated 23.10.2002 reached the conclusion that enquiry held against the workman was in violation of principles of natural justice. Accordingly, the same was set aside and the Bank was directed to lead evidence to prove the charge. The main charge against R.N.Patil was that he on three occasions used very filthy language against S.T.Pawar, the then Branch Manager. Apart from it he was in the habit of remaining absent from duty and was irregular in attending in coming to the bank. There were some other charges that he purchased property and was indulged in other business without permission. During the course of argument mainly the two charges were pressed first is of the grave misconduct of using filthy and abusive language against the then Bank Manager and the second was of his irregular presence on duty.

3. The defence of the workman was that he was the Secretary of the local unit. He used to bring business for the Bank and in that connection he has to remain out of the Bank. His behavior was very cordial with all Staff members and also with the customers. One Mr.Bhoge took charge as Cash Officer in 1988. His behavior with the lady staff was very offending. He used double meaning language with them. Being the Secretary of the local unit of the Union such complaints were made to him by the lady staff personnel. He took such complaints to Branch Manager, S.T.Pawar for redressal but S.T.Pawar took no action and such incidents continued. It has also been argued that all the staff Officers Union united against him and gave a notice of strike that they shall not work if R.N.Patil is directed to work in the same Branch when his suspension was withdrawn after ex parte enquiry. The case of the workman was that under the pressure of the Staff Officers Union, created by giving notice of strike, he was victimized by the Management and was removed from service.

3. After the first part of the Award in order to prove its case on behalf of the Management, Management has filed affidavit of evidence of S.T.Pawar, the then Branch Manager. Mr.Navin who worked as Accountant in the said Branch and Mr.Vasudev Balwant Rao who also worked in the said Branch at the relevant time. In his defence, on behalf of the workman, 8 witnesses have been examined. WW-1 is Nana S.Patil who was a customer. He has stated about the good and honest behavior of the workman R.N.Patil and also stated that he used to bring business and he has never seen R.N.Patil using filthy or abusive language in the Branch. WW-2 Vijay C.Agrawal who is also a customer. His evidence is similar to the evidence of WW-1. WW-3 is Chetan G. Shirsat who was a Cashier-Clerk in the said Bank.

He has stated that Patil used to bring business. His behavior was cordial. He assisted customers. He used to approach Branch Manager S.T.Pawar for solving grievances of the staff. Pawar used to create stressful atmosphere and used to victimize the staff persons by issuing memos to them. He has stated that no incident of misbehavior as alleged took place. WW-4 Subhash G.Jain, another customer has also given similar evidence as stated above. WW-5 is Vinita B.Joshi who was Agricultural Assistant in the Bank. Her evidence also corroborates the evidence of other two staff members. WW-6 is Lata D. Thakur, Head Messenger in the Branch. She has stated that in the year 1988 Mr. Bhoge took charge of Cash Office. His behavior towards lady staff was offending. He used double meaning language while communicating with the lady staff. She complained to the branch Manager in writing (copy of the same has been filed) and also to the Secretary of the local unit Mr.R.N.Patil. She has also stated that behavior of R.N.Patil was good with the Staff persons. He used to help the staff members and bring business to the Bank. WW-7 Pratibha Jayant Thomre, another lady staff personnel, who has also supported the statement of WW-6 Latha Dongre Thakur and has stated that she was also a victim of ill behavior of Mr.Bhoge. WW-8 Rajendra Bhika Chavan who joined the Bank in the year 1986 as Cashier-cum-Clerk. His statement corroborates the statement of other staff members mentioned above.

4. The argument of the learned counsel for the State Bank of India is that the witnesses MW-1 and MW-2 have given first hand evidence of the misbehaviour and of using of filthy language by R.N.Patil. MW-1 S.T.Pawar was the victim of such bad behavior. In his evidence he has narrated the actual words which were used by workman R.N.Patil against him. Apart from these witnesses they have stated about the irregular attendance of the workman. MW-3 Vasudeo Rao has also stated that R.N.Patil was not punctual in attending his duties. He had quarreled with him and threatened him because he had made a complaint of R.N.Patil to the Bank Manager. He has also stated that the behavior of R.N.Patil with the customers was arrogant. However neither the name of any such customer was disclosed nor any customer was examined in support of such charge.

5. On the strength of this evidence it has been argued that the Management has successfully proved its case of misbehavior and irregular attendance of Mr.R.N.Patil. He has also argued that R.N.Patil has already attained the age of superannuation perhaps in the year 2010. So there is no question of his reinstatement. He was only discharged from service with all retiral benefits. Keeping in view his serious misconduct the punishment awarded to him cannot be said to be disproportionate or shocking. He has also argued that there is no evidence of victimization of R.N.Patil under the pressure of the Staff Officers' Association.

6. In support of his argument learned counsel for the Management has placed reliance on the pronouncement of Honourable Apex Court in the case of *Mahindra and Mahindra Limited versus N.B. Naravade Etc. 2005 (0) AIJEL – SC 16758* and has drawn attention towards para 20 which reads as under:

It is no doubt true that after introduction of [Section 11-A](#) in the [Industrial Disputes Act](#), certain amount of discretion is vested with the labour court/Industrial Tribunal in interfering with the quantum of punishment awarded by the Management where the concerned workman is found guilty of misconduct. The said area of discretion has been very well defined by the various judgments of this Court referred to herein above and it is certainly not unlimited as has been observed by the Division Bench of the High Court. The discretion which can be exercised under [Section 11-A](#) is available only on the existence of certain factors like punishment being disproportionate to the gravity of misconduct so as to disturb the conscience of the court, or the existence of any mitigating circumstances which requires the reduction of the sentence, or the past conduct of the workman which may persuade the Labour Court to reduce the punishment. In the absence of any such factor existing, the Labour Court can not by way of sympathy alone exercise the power under [Section 11-A](#) of the Act and reduce the punishment. As noticed herein above atleast in two of the cases cited before us, i.e. Orissa Cement Ltd. (supra) and New Shorrock Mills (supra), this Court held: "punishment of dismissal for using of abusive language cannot be held to be disproportionate." In this case all the forums below have held that the language used by the workman was filthy. We too are of the opinion that the language used by the workman is such that it cannot be tolerated by any civilized society. Use of such abusive language against a superior officer, that too not once but twice, in the presence of his subordinates cannot be termed to be an indiscipline calling for lesser punishment in the absence of any extenuating factor referred to herein above.

Reliance has also been placed on pronouncement of the Apex Court in the case of *M.P.Electricity Board v. Jagdish Chandra Sharma (2205 3 Supreme Court cases 401)* and attention was drawn towards para 9 of this judgement which is reproduced below:

In the case on hand, the employee has been found guilty of hitting and injuring his superior officer at the work place, obviously in the presence of other employees. This clearly amounted to breach of discipline in the organization. Discipline at the work place in an organization like the employer herein, is the sine qua non for the efficient working of the organization. When an employee breaches such discipline and the employer terminates his services, it is not open to a Labour Court or an Industrial Tribunal to take the view that the punishment awarded is shockingly disproportionate to the charge proved. We have already referred to the

views of this Court. To quote Jack Chan, "discipline is a form of civilly responsible behaviour which helps maintain social order and contributes to the preservation, if not advancement, of collective interests of society at large." Obviously this idea is more relevant in considering the working of an organization like the employer herein or an industrial undertaking. Obedience to authority in a workplace is not slavery. It is not violative of one's natural rights. It is essential for the prosperity of the organization as well as that of its employees. When in such a situation, a punishment of termination is awarded for hitting and injuring a superior officer supervising the work of the employee, with no extenuating circumstance established, it cannot be said to be not justified. It cannot certainly be termed unduly harsh or disproportionate. The Labour Court and the High Court in this case totally misdirected themselves while exercising their jurisdiction. The Industrial Court made the correct approach and came to the right conclusion.

On point of appropriate punishment he has also placed reliance on the pronouncement of the Honourable Apex Court in **(2009) 10 SCC 32 Biecco Lawrie Limited and another vs. State of West Bengal and another**. Paragraph 54, 55, 56, 57 and 59 reads as under:

54. Moreover, in our view, the punishment was not harsh in comparison to the charges leveled against the respondent. In this connection, reference can be made to a decision of this Court in [UP State Road Transport Corpn. v. Subhash Chandra Sharma and Others](#) [AIR 2000 SC 1163]. Here the charge against the respondent was that he in a drunken state along with the conductor went to the Assistant Cashier in the cash room of the appellant and demanded money from him. When the Assistant cashier refused, the respondent abused him and threatened to assault him.

55. On these facts, this Court observed as follows -

"It was certainly a serious charge of misconduct against the respondent. In such circumstances, the Labour Court was not justified in interfering with the order of removal of respondent from the service when the charge against him stood proved. Rather we find that the discretion exercised by the Labour Court in the circumstances of the present case was capricious and arbitrary and certainly not justified. It could not be said that the punishment awarded to the respondent was in any way "shockingly disproportionate" to the nature of the charge found proved against him. In our opinion, the High Court failed to exercise its jurisdiction under [Article 226](#) of the Constitution and did not correct the erroneous order of the Labour Court which, if allowed to stand, would certainly result in miscarriage of justice."

56. Similarly in [L.K.Verma v. H.M.T. Ltd](#) (2006) LLR 296 (SC), it was observed that -

"as regards the quantum of the punishment is concerned suffice it to say that verbal abuse has been held to be sufficient for inflicting a punishment of dismissal. Once the appellant accepted that he had made utterances which admittedly lack civility and he also threatened a superior officer it was for him to show that he later on felt remorse therefore and should have tendered an apology".

57. From a perusal of these observations, made in the aforesaid decisions of this Court as noted herein above, it is crystal clear that the general trend of judicial decisions is to minimize the interference when the punishment is not harsh and definitely for charges that are leveled against the respondent and in the instant matter, dismissal is absolutely not shocking to the conscience of the court.

59. The argument that the work assigned to the respondent was not a part of his job even, if accepted does not entitle him to abuse his superiors and create an unhealthy atmosphere where the remaining might just take a clue from the unruly behaviour and subsequently use it to the detriment of the company. Further the letter by which he accepted all the charges sets up a strong proof against the respondent beyond which nothing remains to be analyzed.

Reliance has also been placed on pronouncement in the case of Punjab and Haryana High Court in **Balwant Singh Vs . New Sutej Transport Co. Pvt. Ltd. 1988 (0) AIJ-PH 1608394 and** our attention was drawn towards para 7 which reads as under:

"7. Equally devoid of merit was the other point canvassed, namely, that raising of provocative and abusive slogans in the premises of the workshop could not be held to be misconduct. It was claimed that this had been so held by the Supreme Court as a matter of law and in such wide general terms. Counsel, of course, failed to point out the case or the occasion for the Supreme Court to have so ruled. On the face of it, the proposition urged is too far-fetched to be countenanced."

7. On behalf of workman it has been argued that behavior of the workman with the customers and staff members was very cordial. He used to bring business for the bank and for that purpose he had to go out of bank. There is evidence of customers and staff members on this point while the management could not disclose even the name of any customer who was misbehaved by the workman. Branch Manager was not taking any action for redressal of grievances

of the staff members. Under pressure of staff Officers Association created by giving notice of strike he was victimized. On behalf of the workman reliance has been placed on the pronouncement of Honourable Apex Court in the case of Colour Chem Limited vs. A.L. Alaspurkar. Relevant part of this judgment is being reproduced as under:

The term 'victimisation' is not defined by the present Act. Sub-section (18) of [Section 3](#) of the Act which is the Definition Section lays down that, 'words and expressions used in this Act and not defined therein, but defined in the Bombay Act, shall, in relation to an industry to which the provisions of the Bombay Act apply, have the meanings assigned to them by the Bombay Act; and in any other case, shall have the meanings assigned to them by the [Central Act](#)'. Bombay Act is the Bombay Industrial Relations Act, 1946 and the [Central Act](#) is the [Industrial Disputes Act](#), 1947 as laid down by Definition [Section 3\(1\)](#) and [3\(2\)](#) of the Act. The term 'victimisation' is defined neither by the [Central Act](#) nor by the Bombay Act. Therefore, the term 'victimisation' has to be given general dictionary meaning. In Concise Oxford Dictionary, 7th Edn., the term 'victimisation' is defined at Page 1197 as follows :

"make a victim; cheat; make suffer by dismissal or other exceptional treatment"

Thus if a person is made to suffer by some exceptional treatment it would amount to victimisation. The term 'victimisation' is of comprehensive import. It may be victimisation in fact or in law. Factual victimisation may consist of diverse acts of employers who are out to drive out and punish an employee for no real reasons and for extraneous reasons."

8. In the light of the aforesaid pronouncement, it has to be considered whether the Management has been successful in bringing the charges against him and whether the punishment awarded to the workman R.N.Patil was proportionate or there exist any extenuating circumstances in favour of the workman..

9. So far as charge of using filthy language is concerned all the witnesses of the Management have fully supported the case. First 2 witnesses of the Management have given first hand evidence of this incident and have also quoted the words used by R.N.Patil. Nothing material could be elicited in their cross—examination to show that their evidence is unreliable.

10. It is well settled that in a domestic enquiry the strict and sophisticated rules of evidence under the Indian Evidence Act may not apply. All materials which are logically probative for a prudent mind are permissible. There is no allergy to hearsay evidence provided it has reasonable nexus and credibility. It is true that departmental authorities and administrative tribunals must be careful in evaluating such material and should not glibly swallow what is strictly speaking not relevant under the Indian Evidence Act.

11. The evidence of the workman's witnesses shows that they have given the evidence regarding general good behavior of the workman R.N.Patil. They have also stated that he used to bring business to the Bank and for that purpose he used to visit town. The submission of the learned counsel for the workman has substance that in connection with bringing business for the Bank he used to visit the town which was within the notice of his Officers but simply in order to victimize him chargesheet was filed against him. The evidence of the workman's witnesses shows that though they have stated that no incident of using filthy language by R.N.Patil to the Branch Manager S.T.Pawar took place but specific date and time was not stated by any of the witness that on the said date they were present at the relevant place. The evidence of the two lady staff members goes to show that the behavior of Mr. Bhoge was very offending with the lady staff member and being the Secretary of the local unit, R.N.Patil was informed about such behavior and request was made to him for redressal of their grievances. Thus, after going through the entire evidence and material available on record, I am fully satisfied that though the Management has been successful in proving the charge of using filthy language against the workman but so far as other charges are concerned, the Management has failed to prove the other charges as virtually there is no sufficient evidence to prove the other charges. Nor the said charges have been pressed during course of argument.

The argument of the learned counsel for the Management is that this charge of using filthy language itself calls for Major punishment of discharging from service. On the contrary, the argument of the learned counsel for the workman was that keeping in view peculiar facts and circumstances of this case, the punishment inflicted on the workman R.N.Patil was disproportionate. His argument is that R.N.Patil was Secretary to the local unit. Mr. Bhoge used to misbehave with the lady staff. Being the Secretary, he was contacted by the lady staff members for redressal of their grievances. He met several times with the Branch Manager but no action was taken. The argument of Mr. Abhay Kulkarni that these circumstances actually provoked him to use such filthy language. In view the evidence of other staff members and the customers there was no complaint against R.N.Patil regarding his general misbehavior with Staff members or with customers rather there is evidence that his behavior was good with staff and customers and was helpful. There are eight witnesses who have given such evidence. Therefore, it is only an exceptional incident which was the outcome of provocation caused by the inaction of S.T. Pawar, in taking action against Mr. Bhoge. Past good behavior, bringing business to the bank, helping the customers in their bank dealings are really extenuating circumstances in the peculiar facts of the present case. Keeping in view the pronouncement relied upon by learned

counsel for the Management though such type of conduct calls for the punishment of removal from service but the competent authority was also obliged to consider the extenuating circumstances existing in favour of the workman which have not been considered.

12. After going through the submissions of the learned counsel for both the parties, the submission of Mr. Abhay Kulkarni has much force. So while on one hand the charge of using of filthy language stands proved on the contrary, there are circumstances which justifies that it was the result of provocation caused by the inaction of S.T.Pawar against Mr.Bhoge and also for the redressal of the grievances of other staff members. There is sufficient evidence on record that the general behavior of R.N.Patil with the customers and staff members was very cordial. He was helpful to the customers and also used to bring business to the Bank. Thus in this perspective when the quantum of punishment is examined, I am of the considered view that the punishment of discharging from service was on the higher side and deserves to be set aside keeping in view the above mentioned extenuating circumstances. Since the workman R.N.Patil has already attained the age of superannuation and has already been paid the retiral benefits, therefore, the damage caused to the workman R.N.Patil may be compensated by awarding a lumpsum compensation which is quantified to the tune of Rs.1.25 lakhs.

Thus to conclude that as per the evidence of charge of using filthy language stands proved but as stated earlier it was the result of inaction of S.T.Pawar towards redressal of the grievances of the lady staff members. Therefore, the sentence of discharging from service is hereby set aside. Keeping in view that he has already attained the age of superannuation therefore, he shall be paid a sum of Rs.1.25 lakhs as one time damages.

13. Award is passed accordingly.

Justice S.V. S. RATHORE, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 2017

का.आ. 2414.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 02/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.10.2017 को प्राप्त हुआ था।

[सं. एल-12012/212/2004-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 5th October, 2017

S.O. 2414.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 02/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 05.10.2017.

[No. L-12012/212/2004-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 07th September, 2017

Reference: (CGITA) No. 02/2005

1. The Chief Manager,
State Bank of India,
Ankleshwar Industrial Estate Branch,
GIDC, Ankleshwar (Gujarat)

2. The Branch Manager,
State Bank of India,
Bharuch Branch,
Bharuch (Gujarat)

...First Party

V/s

Shri Kanchanbhai P. Parmar,
At P.O. Kapodra, Tal. Ankleshwar,
Bharuch (Gujarat)

...Second Party

For the First Party : Shri D.C. Gandhi Associates

For the Second Party : Shri Dinesh V. Dongre

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/212/2004-IR(B-I) dated 29.12.2004 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of State Bank of India, Industrial Estate Branch, Ankleshwar in terminating the services of Mr. Kanchanbhai Premjibhai Parmar w.e.f. 08.07.2003 is legal, proper and justified? If not, to what relief the concerned workman is entitled to and from which dated and what other directions are necessary in the matter?”

1. The reference dates back to 29.12.2004. The second party workman Kanchanbhai Premjibhai Parmar submitted the statement of claim Ex. 5 wherein he alleged that he was appointed by the first party State Bank of India, Main Branch, Ankleshwar as Faras-cum-Messenger on 16.12.1987 after going through a recruitment process of an interview and worked there till 08.07.2003 for more than 15 years in a satisfactory manner doing the job of sweeper, messenger, peon and as subordinate staff. But the Branch Manager of the aforesaid branch of the first party terminated his services on 08.07.2003 without issuing him any notice and paying allowances/pay without giving any reasons. Since then he is jobless but the persons who were appointed later to him through the same process of interview and appointment letter are still serving as permanent employee in other branches of the first party bank. He was not given any benefit due to his illegal termination by the Branch Manager of the first party bank. On 14.07.2003, his advocate issued a notice to the first party but to no reply. Therefore he has prayed to declare his termination as illegal and also prayed for reinstatement with back wages along with other benefits as the tribunal deems fit.

2. The first party in his written statement Ex. 6 has submitted that the averments made in the statement of claim are false and the reference is not legally maintainable, therefore, deserves to be rejected. The second party workman was given work on casual/daily rated basis depending upon the needs of the branch on various dates. He was not appointed or engaged on any permanent vacancy. The bank issued an advertisement on 01.08.1988 for inviting applications for preparing waiting list. In pursuance to the said advertisement, the workman moved an application for appointment to the post of subordinate staff. He attended the interview on 17.11.1989. After the said process of interview, a waiting list of eligible candidates were prepared depending upon the working days and under the terms of the settlement, some of the wait listed candidates were absorbed in the bank wherever the vacancies arose in different branches of the bank from the said wait list till remained in force for filling up the vacancies and which was scrapped w.e.f. 01.04.1997 in terms of the settlement arrived between the management of the State Bank of India and Employees Federations before the Regional Labour Commissioner Central, Ahmedabad under Section 18 (1) and (2) (P) of the Industrial Disputes Act, read with Rule 58 of the Industrial Dispute Central Rules, 1957. This second party workman could not get permanent appointment as a wait listed candidate because of the scrapping of the wait list on 01.04.1997. However the workman was engaged from April 1997 to May 1997 for some working days and was also engaged from 18.07.1997 to 23.05.1999 and 24.05.1999 to 11.12.1999 for some working days as and when need arose. It is also submitted that he was also engaged from January 2001 to April 2001 and October 2001 to December 2001 for some working days as and when need arose. He was also engaged during the year 2002 and 2003 for some days in the aforesaid manner. Thus as the permanent vacancies were not available and the wait list was scrapped, therefore, he could not be appointed. However he worked till 05.07.2003 as and when the need arose. He has further submitted that the workman was given appointment orders of temporary work for 83 days from 16.12.1987 to 25.03.1988 for which a separate appointment letter was given to him. On the basis of the aforesaid averments, the first party bank prayed for rejection of the prayers made by the second party workman.

3. On the basis of the aforesaid pleadings of the parties, following issues arise:

- i. Whether the action of the management of State Bank of India, Industrial Estate Branch, Ankleshwar in terminating the services of Mr. Kanchanbhai Premjibhai Parmar w.e.f. 08.07.2003 is legal, proper and justified?
 - ii. If not, to what relief the concerned workman is entitled to and from which dated and what other directions are necessary in the matter?
4. The second party workman submitted number of documents vide list Ex. 14. All the documents were admitted by the first party bank. Therefore, they can be read in evidence.
5. The first party submitted the number of documents vide list Ex. 17 which are not denied by the second party, therefore, these documents can also be read in evidence.
6. Issue No. (i): The burden to prove this issue was lying on the second party workman who in support of his case submitted the affidavit Ex. 15 and the documents Ex. 14/1 to 14/11 vide list Ex. 14. The workman in his affidavit has reiterated the averments made in the statement of claim Ex. 5. In his cross examination, he has stated that he is 40 years old and has not stated anything contrary to his statement of claim.
7. In support of his written statement, the first party submitted the affidavit Ex. 21 of his witness Anil Bhasker Nayar who in his affidavit has reiterated the averments made in the written statement but in his cross examination, he stated that he does not know the workman personally nor he saw him while working in the bank. His deposition is based on the bank's record which says that this workman joined the bank on 01.08.1988. He also applied and was interviewed in pursuance of an advertisement of employment dated 01.08.1988. On the basis of the interview, a wait list was prepared wherein this workman was placed at Sr. No. 58 in the wait list on the basis of recruitment process. Therefore, he could not absorb as the wait list was scrapped. He further stated that he never saw the wait list. He did not see any documents or wait list regarding this case. It is true that this workman worked in the bank from 16.12.1987 to 05.07.2003 intermittently. He never worked for 240 days in any calendar year. It is wrong to say that he was deliberately not permitted to work for more than 240 days in any year. He was never victimised. It is wrong to say that the documents which may favour the workman are deliberately being not filed.
8. From the perusal of the oral and documentary evidence of both the parties, there is nothing on record to show that the workman has ever served the bank for more than 240 days in any calendar year after the scrapping of the wait list. It is also noteworthy that the workman has also failed to prove that he ever served the bank for more than 240 days in any calendar year prior to the scrapping of the wait list.
9. The advocate for the second party workman submitted the written argument Ex. 23 and referred the judgement of the Gujarat High Court in GSRTC V/s Workman of State Transport Corporation, 2000 LLR 182 wherein it has been held that continued employment on casual or temporary basis and denial of permanent employment notwithstanding existence of permanent work would amount to unfair labour practice and also a denial of right to life and livelihood with dignity. He has also referred DAV College V/s Presiding Officer and another, 2016 LLR 537 wherein Punjab and Haryana High Court held that workman, Security Guard issued letters of appointment again and again with an artificial break of service would amount to unfair labour practice and his termination without complying the provisions of the Industrial Disputes Act, 1947, was illegal and attracts reinstatement with back wages and the award of compensation by the tribunal in lieu of reinstatement is improper. He also referred Rajkumar V/s Director of Education and others, 2016 LLR 561 wherein the Apex Court has held that retrenchment of a workman without compliance of the provisions of Section 25 F (c) and Rule 76 A, being mandatory, is illegal and attracts reinstatement with full back wages with consequential benefits. He has also referred The State of Haryana V/s Dilbaug Singh, 2006 AIR SCW 5435 wherein the Apex Court held that in a case of retrenchment, last come first go principle shall be followed. Respondent who was senior terminated retaining juniors is improper and illegal. He has also submitted number of judgement of various High Courts on the same point.
10. The first party State Bank of India has also submitted written arguments Ex. 24 and referred State of Bihar V/s Chandreshwar Pathak, 2014 Volume III CLR 3 wherein the Apex Court has held that temporary appointments do not confer any right on the appointees and in such cases, appointments made without following due procedure as per mandate of the constitution or the relevant rules for appointment. In such cases, the Court or tribunal cannot direct the employer for grant of benefits like absorption, regularisation or re-engagement. Similar law was laid down by the Apex Court in Union of India V/s Arulmozhi Iniarasu, 2011 (103) FLR 1076 and in Nandkumar V/s State of Bihar, 2014 Volume IV SC C 300. He has also referred number of judgements of various High Courts on similar point.
11. I considered the evidences of both the parties and the law laid down by the Apex Court in number of aforesaid judgements. It is settled law that a person who has not been appointed on the basis of due process of service law, does not entitle him for regularisation or re-employment. In the present case, the workman was not given for permanent employment and he was put at Serial No. 58 in the wait list which was scrapped on 01.04.1997. There is nothing on record that any person in the waiting list junior to the workman, was given permanent employment, therefore, his

termination on 08.07.2003 cannot be said to be illegal because he has failed to prove that he ever served the bank for more than 240 days in any calendar year after 01.04.1997 or in the preceding calendar year of the date of his termination. He has admitted in his cross-examination that he is earning Rs. 60/- per day from the date of termination of his employment for sustaining his livelihood. Thus in the said circumstances, the workman has failed to prove that his termination order dated 08.07.2003 was illegal, improper and unjustified. Thus this issue no. (i) is decided accordingly.

12. Issue No. (ii): In the light of the evidence of the workman that he served the bank as a daily wager till the date of his termination depending on the exigency but never served the bank for more than 240 days in any calendar year. Therefore, it would be proper that he may be awarded compensation of Rs. 50000/- as a concession to his services rendered in the bank for a long period from 16.12.1987 to 08.07.2003.

13. The award is passed accordingly.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 2017

का.आ. 2415.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 186/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.10.2017 को प्राप्त हुआ था।

[सं. एल-12011/82/2013-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 5th October, 2017

S.O. 2415.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 186/2013) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 05.10.2017.

[No. L-12011/82/2013-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 12th September, 2017

Reference: (CGITA) No. 186/2013

The Regional Manager,
State Bank of India,
1st Floor, K.F.T.Z. Branch, Near KASEZ,
Administrative Office, Kandla Special Economic Zone,
Gandhidham,
Kutch(Gujarat) – 370230

...First Party

V/s

The Secretary,
New Gujarat Mazdoor Manch,
28-B, Narayan Park,
B/h Chandkheda Railway Station,
Chandkheda
Ahmedabad (Gujarat) – 382424

...Second Party

For the First Party : Shri B.B. Gogia

For the Second Party : Shri Prabhatsinh Parmar

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12011/82/2013-IR(B-I) dated 30.10.2013 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the Regional Manager, State Bank of India, Regional Business Office, KFTZ Branch, Gandhidham in not providing the compassionate appointment to Shri Niraj P. Gianchandani in place of his deceased father, Shri Parmanand Gianchandani, Assistant (Cash) of Kandla Port Branch is justified? To what relief Shri Niraj P. Gianchandani is entitled?”

1. The reference dates back to 30.10.2013. Both the parties were served by registered post. In pursuance of the notice, the second party submitted the statement of claim Ex. 3 on 16.12.2013 alleging that the union challenged denial of appointment on compassionate ground before the Conciliation Officer/Assistant Labour Commissioner, Adipur who submitted the failure report to the government on 30.08.2013 and the central government referred the dispute to this tribunal by way of this reference. The brief facts of this case alleged in the statement of claim Ex. 3 are that workman Parmanand Gianchandani was working as Assistant(Cash) of Kandla Port Branch of State Bank of India who died on 26.01.2001 in Earthquake at Gandhidham. Number of officers from the aforesaid branch of the bank visited the workman's place for assisting his families and concerning payment of retirement benefits at number of times. The officers of the bank received number of applications for compassionate appointment but the union is not aware regarding the details of the said application. The union has also alleged that the family of the deceased workman was not made aware as to what was mentioned in the application obtained by the bank officers as blank. Later, on 24.09.2003, the branch manager informed that the competent authority has not considered the application for compassionate appointment favourably. Therefore, the son of the deceased workman Niraj P. Gianchandani approached the bank for redressal of dispute for grievance but to no result. Thereafter, he approached the Labour Commissioner that too without any result. It has been further alleged that after number of correspondence with the bank, it came into the notice of the son of the deceased workman Niraj P. Gianchandani that the application for compassionate appointment was declined by the bank on the ground of non-penurious conditions and blemished service record of the deceased workman. It has been further alleged that the officers of the bank visited for several times for getting signatures of the wife of the deceased workman for settlement of the retirement dues and also for compassionate ground. The bank did not ask the family at any point of time regarding the financial condition of the family of the deceased workman. Signatures on all the applications concerning the aforesaid matters were received as blank. Thus the rejection of the application for compassionate appointment was illegal and against the principle of natural justices. Thus the union has prayed for setting aside the order dated 16.09.2003 denying the compassionate appointment to Niraj P. Gianchandani, the son of the deceased workman and appoint him on compassionate ground along with any other relief as the tribunal deems fit.

2. The first party State Bank of India submitted the written statement Ex. 7 on 04.04.2014 submitting that the reference is not maintainable because the demand of the union to grant compassionate appointment to the son of the deceased employee does not come within the definition of the Industrial Dispute and the person who is claiming appointment on compassionate ground also does not come within the definition of the workman under Industrial Disputes Act. It is also submitted that it is a settled law that an appointment on compassionate ground is not a right of the employee or his family member and further the reference is bad on the ground of limitations, delay and laches. The first party bank has further submitted that the deceased workman Parmanand Gianchandani was lastly working as Kandla Port Branch as an Assistant. He died while in service on 26.01.2001 leaving his wife, son and two daughters. The son Niraj P. Gianchandani applied for appointment in bank on compassionate ground after death of his father on 23.03.2001 through Kandla Port Branch of State Bank of India. He was denied appointment as the total income of the deceased family was over Rs. 10000/- per month taking into the account of the income from terminal benefits and investment amounting to Rs. 7.5 lakhs and family pension of Rs. 6032/- per month and interest income thereon. In terms of Government guidelines on the ground which can justify compassionate appointment is penurious condition of the deceased family. Thus with a monthly income of Rs. 10000/- per month, the condition of the family of the deceased Parmanand Gianchandani cannot be said to be penurious. It has also been submitted that a disciplinary action was taken against Parmanand Gianchandani wherein he was awarded punishment for gross misconduct. A criminal case was also pending against him on account of charge-sheet filed by Gandhidham Police. Thus as per the provision of the scheme, the dependant of an employees whose service record was blemished on account of disciplinary action having been taken against him are ineligible for compassionate appointment. The bank has enclosed the copy of the letter no. AGM/IV/19/856 dated 17.02.1999 at Ex. 11 regarding revocation of suspension order of deceased workman and on the basis of the aforesaid reasons, a decision by speaking order denying compassionate appointment was passed on 16.09.2003, same is also enclosed at Ex. 12 and Ex. 13.

3. The bank in his written statement has referred number of judgement of the Apex Court which are reproduced as under:

a. State Bank of India V/s Somvir Singh 2007 GLHEL – 38649

7. Article 16(1) of the Constitution of India guarantees to all its citizens equality of opportunity in matters relating to employment or appointment to any office under the State Article 16(2) protects citizens against discrimination in respect of any employment or office under the State on grounds only of religion, race, caste sex, descent. It is so well settled and needs no restatement at our ends that appointment on compassionate grounds is an exception carved out to the general rule that recruitment to public services is to be made in a transparent and accountable manner providing opportunity to all eligible persons to compete and participate in the selection process. Such appointments are required to be made on the basis of open invitation of applications and merit. Dependants of employees died in harness do not have any special or additional claim to public services other than the one conferred, if any, by the employer.

12 The competent Authority while considering the application had taken into consideration each one of those factors and accordingly found that the dependants of employee who died in harness are not in penury and without any means of livelihood. The authority did not commit any error in taking the terminal benefits and the investments and the monthly family income including the family pension paid by the bank into consideration for the purposes of deciding as to whether the family of late Zile Singh had been left in penury or without any means of livelihood. The scheme framed by the appellant - Bank in fact mandates the authority to take those factors into consideration. The authority also did not commit any error in taking into consideration the income of the family from other sources viz the agricultural land.

13 In our considered opinion the High Court itself could not have undertaken any exercise to decide as to what would be the reasonable income which would be sufficient for the family for its survival and whether it had been left in penury or without any means of livelihood. The only question the High Court could have adverted itself is whether the decision making process rejecting the claim of the respondent for compassionate appointment is vitiated? Whether the order is not in conformity with the scheme framed by the appellant – Bank? It is not even urged that the order passed by the competent authority is not in accordance with the scheme. It is well settled that the hardship of the dependant does not entitle one to compassionate appointment de hors the scheme or the statutory provisions as the case may be. The income of the family from all sources is required to be taken into consideration according to scheme the High Court altogether ignored while remitting the matter for fresh consideration by the appellant – Bank. It is not a case where the dependants of the deceased employee are left without any means of livelihood and unable to make both ends meet. The High Court ought not to have disturbed the finding and the conclusion arrived at by the appellant – Bank that the respondent was not living hand to mouth. As observed by this court in General Manager (D&PB) and others V/s Kunti Tiwary and others, 2004 7 SSC 271, the High Court cannot dilute the criteria “of penury to one of” “not very well to do”. The view taken by the Division Bench of the High Court may amount to varying the existing scheme framed by the appellate – Bank. Such a course is impermissible in law.

b. State Bank of India V/s Jaspal Kaur 2007 (0) GLHEL – S.C. 38597

27 Hence a major criterion while appointing a person on compassionate ground should be the financial conditions of the family the deceased person left behind. Unless the financial condition is entirely penury, such appointments cannot be made. In the present case the financial condition of the respondents family is not one of destitution, the appellants have already paid a sum of Rs. 457607/- as terminal benefits (after deducting Rs. 19183/- towards liabilities); a sum of Rs. 2055/- per month was being paid towards family pension and monthly income under Staff Mutual Welfare Scheme and in addition the total monthly income of the family comes to Rs. 5855/- (monthly pension of Rs. 2055/- + Rs. 3800 per month as notional interest on the investment of Rs. 457607/-). The competent fact finding authority on the basis of the above financial details had arrived at the conclusion that the financial condition of the family is not penurious and that the family earns sufficient income to maintain themselves. Hence appointment on compassionate ground was not granted to the respondent. We however, do not feel the necessity to interfere with this order of the Bank Authority on the fact situation of this case.

29 Also we are of the view that the specially constituted authorities in the rules or regulations like the competent authority in this case are better equipped to decide the cases on facts of the case and their objective finding arrived on the appreciation of the full facts should not be disturbed. Both the Benches of the High Court that heard this present matter have erred in entertaining the claim of the respondent and

allowing the claim of the respondent. This was the view taken in a recent decision of this court in Union Bank of India and others V/s M.T. Latheesh (Supra), where the court observed that, “Learned Single Judge and the Division Bench by directing appointment has fettered the discretion of the appointing and selecting authorities. The Bank had considered the application of the respondent in terms of the statutory scheme framed by the Bank for such appointment”.

c. The General Manager, State Bank of India V/s Anju Jain 2008 (0) GLHEL – SC 42064

22 In our opinion, the submission is well founded and must be upheld. The learned counsel for the State Bank also referred to the scheme for compassionate appointments as framed in 1979 and amended in 1998 which was further amended in 2003. The said scheme reads as “Scheme for compassionate appointments amendments in respect of cases where the deceased employee/employees retired on health grounds had been involved in major/gross misconduct”.

23 Certain new provisions were added in the scheme for compassionate appointments. A clause relating to ‘exclusions’ was inserted in Para 5 dealing with eligibility. Clause (f) relating to misconduct of an employee who died in harness or retired on health ground which was added, reads as under:

(f) The dependents of an employee who has died or who has retired on health grounds and whose service record was blemished on account of disciplinary action having been taken against him will be ineligible for compassionate appointment in the Bank.

24 Bare reading of the above clause makes it abundantly clear that the dependent of an employee who had died or retired on medical ground but whose service record was blemished on account of disciplinary action having been taken against him will not be considered eligible for compassionate appointment in the Bank.

29 We are of the view that both the Courts were wrong in granting relief to the writ petitioner. Appointment on compassionate ground is never considered a right of a person. In fact, such appointment is violative of rule of equality enshrined and guaranteed under Article 14 of the Constitution. As per settled law, when any appointment is to be made in Government or Semi-Government or in public office, cases of all eligible candidates must be considered alike. That is the mandate of Article 14. Normally, therefore, State or its instrumentality making any appointment to public office cannot ignore such mandate. At the same time, however, in certain circumstances, appointment on compassionate ground of dependents of deceased employee is considered inevitable so that the family of the deceased employee may not starve. The primary object of such scheme is to save the bereaved family from sudden financial crisis occurring due to death of sole bread earner. It is thus an exception to the general rule of equality and not another independent and parallel source of employment.

30 In our opinion, therefore, if disciplinary proceedings have been initiated against an employee and the charges levelled against such employee are proved and he is punished, it is indeed a relevant consideration for not extending the benefit to dependent of such employee on the ground that he was punished. To us, it cannot be said that it is a case of double jeopardy or a dual punishment. Compassionate appointment is really a concession in favour of dependents of deceased employee. If during his career, he had committed illegalities and misconduct is proved and he is punished, obviously his dependent cannot claim right to the appointment, with respect, the learned Single Judge was wholly wrong in observing that such an action would be violative of principle of natural justice.

34 Dismissing the petition and rejecting the argument on behalf of the widow, a Single Judge of the High Court stated;

“I am unable to accept this submission. While it is true that the prime object is to provide succour and immediate relief, yet the deceased’s service record or the factum of disciplinary proceedings and punishment meted out to him cannot be said to be an irrelevant factor. The possibility of denial of compassionate appointment to the LR of deceased on account of deceased employee having a tainted service record, would serve as a deterrent to employees from indulging in misconduct. It can act as an incentive for those maintaining discipline and probity. Besides, when the availability of appointment and opportunities is limited, there is nothing wrong in preferring LR of those employees with clean record over the LR of those, who have had a tainted record.”

35 In our opinion, the above observations lay down correct proposition of law and we approve them.

37 Even on second ground, the submission of the Bank is well-founded. As notes earlier, the learned Single Judge issued direction to the Bank to appoint the writ petitioner – widow of the deceased employee

within one month. As per settled law, a writ of mandamus can be issued directing the authority to consider the case of the petitioner for an appointment or promotion as the case may be but no direction can be given to appoint or promote a person.

4. On the basis of the pleadings of the parties, the following issues arise:

- i. Whether the action of the Regional Manager, State Bank of India, Regional Business Office, KFTZ Branch, Gandhidham in not providing the compassionate appointment to Shri Niraj P. Gianchandani in place of his deceased father, Shri Parmanand Gianchandani, Assistant (Cash) of Kandla Port Branch is justified?
- ii. To what relief, if any, Shri Niraj P. Gianchandani is entitled?

5. The second party union did not submit any documentary evidence however the first party State Bank of India has submitted number of documents vide list Ex. 8, the application for appointment on compassionate ground Ex. 11, revocation of suspension order Ex. 12, scheme for appointment of dependent of deceased employee Ex. 14, copy of the plaint of Civil Suit Number 186/2009 filed by son of the deceased Niraj P. Gianchandani along with application for interim relief and order of the Civil Judge. The first party State Bank of India further submitted the number of documents vide list Ex. 18 regarding statement of provident fund Ex. 19, pay slip of P. Gianchandani for the month January 2001 Ex. 20, reminder application for compassionate appointment Ex. 21, rejection of application Ex. 22, deceased workman's certificate regarding settlement of loan account and death certificate of workman Ex. 25 and an information under RTI Act, 2005 regarding appointment of 38 persons on compassionate ground.

6. **Issue No. (i):** The burden to prove this issue was lying on the second party union New Gujarat Mazdoor Manch. The second party submitted an affidavit Ex. 9 of Niraj Permanand Gianchandani, the son of the deceased workman who stated on oath that his father was working as Assistant (Cash) at Kandla Port Branch of State Bank of India. He died on 26.01.2001 in a severe earthquake. The officers of the first party bank visited his house on number of times assuring the assistance to his family for getting the retiral and other benefits as admissible to the family of the deceased employee of the bank and also assured him compassionate appointment in the bank. On 24.09.2003, the Branch Manager of the Kandla Port Branch of the bank informed him that the competent authority did not find his application for appointment in the bank on compassionate ground, fit to be accepted. He approached the officials that too no result. His application was declined by the bank on the ground of non-penurious condition of his family and blemished service record of his father. None of the officers of the bank ever visited his house to ascertain the financial condition of his family. The bank officers themselves got his blank application for compassionate appointment after getting his signatures thereon. He and his family did not know as to what was mentioned or written in the blank application by the officers regarding the financial condition of his family. The application was alleged to be submitted on 23.03.2001 which was rejected by the Chief General Manager, State Bank of India, LHO, Ahmedabad on 16.09.2003 keeping it undecided for 6 months and he was informed the decision on 24.09.2003. He was not asked to submit the details of the assets and liabilities and his application was rejected without considering the assets and liabilities of his family in an arbitrary manner. He has not said anything contrary in his cross-examination.

7. The first party submitted affidavit Ex. 16 of a Manager (HR) Mukeshkumar Chimanlal Shah who admitted all the facts of the statement of claim regarding employment and service conditions of deceased workman P. Gianchandani and also admitted that Niraj P. Gianchandani, the son of the deceased workman, applied for his appointment which was rejected by the competent authority on the ground of non-penurious conditions of the deceased family as the total income was more than Rs. 10000/- per month with a family pension of Rs. 6032/- per month and investment of Rs. 7.54 lakh. He has also referred the documents filed by the bank. In his cross-examination, he stated that he does not know the rules or law regarding the appointment on compassionate ground but he admitted that Niraj P. Gianchandani applied for compassionate appointment on 23.03.2001. He does not know the eligibility and disqualification regarding compassionate appointment. He does not know regarding the assets and liabilities of the family of the deceased workman. He does not remember what the bank interest was in 2001.

8. The first party submitted the written argument Ex. 29 on the same line, explaining as under:

“A. The request of second party is considered strictly in accordance with the scheme:

The first party bank has framed the scheme for appointment of dependents of deceased employees on compassionate grounds, which was modified on the basis of guidelines issued by the Government of India. The bank submits that as per the scheme,

- (i) Dependants of deceased employee were not in penury condition and without any means of livelihood:

That, as per the Para 10 of the scheme determining the financial condition of the family is an important criterion for deciding the proposals for compassionate appointment. The factors to be taken into account for determining the financial condition of the family are:

- I) Family Pension
- II) Gratuity amount received
- III) Employee's / Employer's contribution to provident fund
- IV) Any compensation paid by the bank or its welfare fund
- V) Proceeds of LIC Policies and other investments of the deceased employees
- VI) Income of family from other sources
- VII) Income of other family members from employment or other sources
- VIII) Size of the family and verifiable liabilities, if any.

The second party was not living hand to mouth and the family of the deceased employee was left with the net liquid assets of more than Rs. 7.54 lakh approximately. The family was getting family pension of Rs. 6032/- per month. The family was also getting interest of compound amount and was getting Rs. 10000/- per month as such the condition of family was not considered as penurious.

ii. Blemished Record of the deceased employee:

That, there were some criminal cases and departmental proceeding against the deceased employee, the father of Niraj P. Gianchandani and as per the policy of compassionate appointment of the bank, as framed in 1979 and amended in 1998 which was further amended in 2003 a clause relating to 'exclusions' was inserted in Para 5 dealing with eligibility.

Clause (f) relating to misconduct of an employee who died in harness or retired on health ground which was added, reads as under:

"(f) Who has died or who has retired on health grounds and whose service record was blemished on account of disciplinary action having been taken against him well be ineligible for compassionate appointment in the bank."

That, as per the scheme if disciplinary proceedings have been initiated against an employee and the charge levelled against such employee are proved and he is punished, it is indeed a relevant consideration for not extending the benefit to dependent of such employee on the ground that he was punished. That, deceased's service record or the factum of disciplinary proceedings and punishment imposed cannot be said to be an irrelevant factor. The possibility of denial of compassionate appointment to the legal representatives of deceased on account of deceased employee having tainted service record, would serve as deterrent to employees from indulging in misconduct. It can act as incentive for those maintaining discipline and probity.

The first party bank invites the kind attention of this Hon'ble Tribunal to the findings of Civil Court (2nd additional senior civil judge) in Para 8 of its order dated 29.01.2011, which is at Ex. 15 that the financial condition of the family of the deceased employee cannot be considered penurious and that plaintiff i.e. second party herein has not suffered any loss behind his father.

It is submitted that the hardship of the second party, if any, does not entitle one to compassionate appointment de-horse scheme on the statutory provision as the case may be. The bank had considered the application of the respondent in terms of the statutory scheme framed by the bank for such appointment.

B. The purpose of granting compassionate appointment is to provide immediate help:

That, in this case, more than 16 years have passed to the death of employee and the family has been able to live without such appointment. The very purpose of granting compassionate appointment is to provide immediate help to family that, compassionate appointment is not a vested right which can be exercised at any time in future. It cannot be claimed and offered after a lapse of time and after the crises is over.

C. Maintainability of the reference:

The grounds of maintainability of the reference may also be taken into consideration. The demand as raised does not fall in any of the schedule either in second schedule or in third schedule or in any other schedule so as to

give jurisdiction to this tribunal, u/s 7-A of I.D. Act. As such the case is not covered by the Industrial Dispute Act. Therefore, this Hon'ble Tribunal has no jurisdiction to decide the dispute.

Thus, according to the submissions, it is clear that the second party is not living hand to mouth. It is further stated that the hardship of the defendant does not entitle one to compassionate appointment de-horse scheme on the statutory provision as the case may be and it is clear that the income of family from all sources is required to be taken into consideration according to scheme and that, the appointment on compassionate ground is not a right of a person. It is submitted that bank has provided appointment to persons in compassionate grounds when they fulfil the norms of the policy/scheme of the bank. As such, the case of Shri Niraj Gianchandani does not fulfil the norms and was rejected therefore.

For all the above said reasons, grounds and the legal position, the reference deserves to be rejected.”

9. In support of the argument, the first party referred the Apex Court judgement in General Manager, State Bank of India V/s Anjuben 2008 Law Suit (SC) 1312 wherein it has been held that deceased employee is found guilty of misconduct and punished therein with major penalty for reduction of basic pay by two stages with a stoppage of 5 annual future increment with cumulative effect then in such a case, the dependent of deceased workman will not have a right to be considered as eligible candidate and it will not be violative of principle of equality under Article 14 of the Constitution. It was also held that appointment on compassionate ground is considered as inevitable so that the family of the deceased employee ought not to starve. The primary object of appointment on compassionate ground is to save the bereaved family from sudden financial crises occurring due to death of soul bread earner. It is an exception to the general rule of equality and not another independent and parallel source of employment. However punishment of deceased employee in department proceeding is indeed a relevant consideration for not extending the benefit to the dependant and it cannot be a matter of double jeopardy or dual punishment.

10. The learned counsel for the first party also referred Life Insurance of India V/s Asharamchandar Ambekar 1994 Law Suit (SC) 279 wherein it was held that relaxation of appointment on compassionate could be given only when none of the members of the family is gainfully employed. He further referred State Bank of India V/s Sombir Singh 2007 Law Suit (SC) 141 wherein it has been held that High Court cannot direct to reconsider the case of the applicant regarding the financial condition of the family. However High Court could have adverted itself is whether the order was in conformity with the scheme framed by the bank.

11. The first party has further referred MGV Gramin Bank V/s Chakarvarti Singh 2013 Law Suit (SC) 706 wherein the Apex Court has held that the family member of the deceased employee do not have a vested right to be appointed on compassionate ground. Government has to see financial condition of the family whether it is graved and the person claiming employment possesses required qualification, if yes, employment can be offered. The Apex Court under article 142 ought not to exercise extra ordinary jurisdiction to direct giving compassionate appointment. He has further referred the judgement of the Delhi High Court in IFCI Ltd. V/s The General Secretary, All India IFC Employees Association 2013 Law Suit (DEM) 1537 and Local Administration Department V/s M Sclvanayagam @ Kumara Valve 2011 Law Suit (SC) 324. He has also submitted the scheme of the State Bank of India regarding compassionate appointment.

12. I perused the paper Ex. 13 regarding order of rejection of Niraj P. Gianchandani on compassionate ground wherein it has been stated that disciplinary authority vide order dated 25.08.1999 imposed punishment of warning as per Clause 21 (5) (f) of the Sastri Award for the misconduct on the part of the deceased employee and it has also been stated that the criminal case is pending into the matter in the court wherein the penalty was awarded and secondly the family of the deceased employee was having a net assets of Rs. 7.54 lakh and on the basis of the same, the condition of the family cannot be said to be penurious.

13. I would like to high light that the State Bank of India vide order dated 17.02.1999 (Ex. 12) revoked the suspension of the deceased employee who was suspended because of the FIR loused against him under Section 306/323/342/504 IPC read with Section 3 (1) (10) and read with Section 3 (2) (v) of SC/ST (prevention of Atrocities Act 1986) subject to the final decision of the criminal case by the competent court. The first party has not submitted any evidence as to whether the deceased employee was terminated in the aforesaid case or not. The first party has also not submitted the any document as to whether the deceased employee was ever awarded aforesaid penalty of warning in any disciplinary proceedings on the basis of any gross misconduct. Secondly it has also not been proved by the bank that the aforesaid criminal case was arisen due to any misconduct of the deceased employee while on duty. I would like to mention that any criminal case registered while not on duty and if the employer has failed to prove that the misconduct was of such a grave nature which may have dis-reputed the bank then such anallegation cannot be considered while considering the appointment on compassionate ground. Thus in the absence of the evidence regarding criminal case on record, the denial of compassionate appointment is arbitrary and violative of principle of natural justice.

14. Secondly, the competent authority in his order 16.09.2003 (Ex. 13) has stated that the family of the deceased employee was having the net liquid assets of Rs. 7.54 lakh. I may include the pension of Rs. 6032/- per month but the application Ex. 11 filed by the bank which relates to the application of Niraj P. Gianchandani discloses that the deceased employee ParmanandGianchandani left behind him his widow Smt. Chetna P. Gianchandani, a son Niraj P. Gianchandani and two unmarried daughters Deepa P. Gianchandani and Pinki P. Gianchandani all appears to be unemployed and studying at the time of the death. I am surprised on the wisdom of the competent authority The Chief General Manager, State Bank of India, Ahmedabad who considered the liquid assets of Rs. 7.5 lakh and family pension of Rs. 6032/-, converting these amounts into Rs. 10000/- per month as income but he did not consider the fact that the deceased employee left a widow along with unemployed and unmarried son and two unmarried daughters which requires a heavy expenditure for their studies as well as their marriage. No doubt the scheme of compassionate appointment states that while considering the compassionate appointment, the competent authority has to consider the following factors for determining the financial condition of the bereaved family.

- i. Family Pension
- ii. Gratuity amount received
- iii. Employee's / Employer's contribution to provident fund
- iv. Any compensation paid by the bank or its welfare fund
- v. Proceeds of LIC Policies and other investments of the deceased employees
- vi. Income of family from other sources
- vii. Income of other family members from employment or other sources
- viii. Size of the family and verifiable liabilities, if any.

15 Considering the aforesaid factors, I may definitely say that the competent authority was very much blind while considering the financial condition of the family because he has not showed or mentioned any other income besides family pension and liquid assets of Rs. 7.54 lakh converting into income of Rs. 10000/- per month which no same person can say that the widow of the deceased employee can manage the studies and marriage expenditures of two unmarried and still studying daughters out of the aforesaid amount of Rs. 10000/- per month and pension.

16. The advocate for the first party argued on the basis of the written statement that Niraj P. Gianchandani was not a workman and the dispute does not fall in second or third or any other schedule of the I.D. Act. He contended that the present is not an industrial dispute as defined under Section 2 (k) of I.D. Act and not there any dispute between the employer and the workman, as such, the Labour Court ought not to have decided the same. On this point, the advocate has not referred any judgement of any higher court. However I would like to refer the judgement of Delhi High Court in Management of Federation of Indian Chambers of Commerce and Industry (FICCI) V/s Government of NCT of Delhi wherein the Delhi High Court observed and held that the Division Bench of this court in Delhi Development Authority V/s Sudesh Kumar and others 2009 (3) AD (Delhi) 96 after referring the judgements in (1) workmen of Dimakuchi Tea Estate V/s Management of Dimakuchi Tea Estate: AIR 1958 SC 353 and (2) Kyas Construction Company (Pvt.) Limited V/s Its workmen: (1958) 2 LLJ 660 and various other judgements on the subject, has held that dispute relating to compassionate appointment of a son of deceased employee would be clearly covered by the definition of "Industrial Dispute".

17. Thus on the basis of the aforesaid reasons, it can rightly be said that the competent authority, The Chief General Manager, State Bank of India, Ahmedabad without applying his mind and wisdom, wrongly rejected the application of appointment on compassionate ground of Niraj P. Gianchandani which deserves to be set aside because no widow in the present time can manage the marriage of their two unmarried and still studying daughters in the circumstances that the son is also unemployed. Thus the Issue No. (i) is decided in the favour of the second party and declares the action of the Regional Manager, State Bank of India, Regional Business Office, KFTZ Branch, Gandhidham in not providing the compassionate appointment to Shri Niraj P. Gianchandani in place of his deceased father, Shri Parmanand Gianchandani, Assistant (Cash) of Kandla Port Branch unjust. Thus this issue is decided accordingly in favour of the second party Niraj P. Gianchandani, the son of the deceased workman.

18. **Issue No. (ii):** On the basis of the findings of the Issue No. (i), the first party The Chief General Manager, State Bank of India, Ahmedabad is directed to issue appointment letter to Niraj P. Gianchandani on the post for which he is justly eligible within 60 days from the publication of this award. However Niraj P. Gianchandani will not be given any back wages.

19. The award is passed accordingly.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 2017

का.आ. 2416.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 1228/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.10.2017 को प्राप्त हुआ था।

[सं. एल-41012/70/2003-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 5th October, 2017

S.O. 2416.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1228/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 05.10.2017.

[No. L-41012/70/2003-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 08th September, 2017

Reference: (CGITA) No. 1228/2004

1. The Divisional Railway Manager,
Western Railway,
Divisional Office, Bhavnagar Division,
Bhavnagar (Gujarat) - 392001
2. The Chief Permanent Way Inspector,
Western Railway, Jetalsar Junction,
Jetalsar, n Rajkot (Gujarat)

...First Party

V/s

The President,
Saurashtra Employees Union,
City Shops, 3rd Floor,
Jagnath Police Chowky, Dr. Yagnik Road,
Rajkot (Gujarat)

...Second Party

For the First Party : Shri N.J. Acharya

For the Second Party : Shri B.B. Gogia

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41012/70/2003-IR(B-I) dated 20.06.2003 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of the union that Shri Tarunkumar M. Bhatt who worked as Casual Labour from 21.12.1982 to 20.03.1984 continuously be reinstated and his name be included in the live Register is justified? If so, what relief he is entitled to?”

1. The reference dates back to 20.06.2003. The second party workman submitted the statement of claim Ex. 6 on 22.12.2008 alleging that he has been working as casual labour under the Permanent Way Inspector in the Western Railway from 21.12.1982 to 20.03.1984 but the first party Western Railway terminated his services on 20.03.1984 without of his any mistake. He was again engaged by the first party Western Railway in August 1984 for a period of 3 months but thereafter, no work was given to him. He approached the first party for a number of times for employment but to no result. His services were terminated without giving any notice or paying the notice pay. An attendance register and seniority register were maintained in the Bhavnagar Division, Western Railway. He ought to have been given regular employment. He has produced the documentary evidence relating to the other workmen namely Bhoza Pacha, Jagdish L. Raval, Mansukh Murli and Jayanti Magan of Bhavnagar Division at Ex. 84 who were re-engaged on the basis of the attendance and seniority list and still they are working despite the fact that they were junior to him and served the Western Railway for lesser days. They have also been made permanent. He has further alleged that as per the rules of the Indian Railway Establishment, a workman having served for 120 days becomes automatically entitled for a status of temporary employee and his services can only be terminated after serving a notice with one month pay. Thus on the basis of the aforesaid submissions, he has prayed for reinstatement.
2. The first party did not prefer to submit the written statement despite the fact that Shri N.J. Acharya submitted his vakalatpatra on behalf of the first party on 22.12.2008/24.07.2009. Thereafter, after expiry of 13 years, when the first party did not prefer to file the written statement, on 15.07.2016, the reference was ordered to proceed ex-parte against the first party Western Railway, Divisional Office, Bhavnagar.
3. The second party submitted his affidavit Ex. 6 in support of the statement of claim which is un rebutted. Therefore, this tribunal has no option but to order appointment of the second party workman Tarunkumar M. Bhatt on the post on which Leelaben Ravjibhai and others are appointed.
4. Thus in the light of the aforesaid observations, the reference is accordingly disposed of and the first party is directed to appoint the second party workman Tarunkumar M. Bhatt on the aforesaid post within 60 days from the publication of the award with a lump sum compensation of Rs. 50000/-.
5. The award is passed accordingly.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 6 अक्टूबर, 2017

का.आ. 2417.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स इण्डियन ऑयल कार्पोरेशन लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, चंडीगढ़ के पंचाट (संदर्भ संख्या 18/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.10.2017 को प्राप्त हुआ था।

[सं. एल-30011/15/2016-आईआर (एम)]

राजेश कुमार, अवर सचिव

New Delhi, the 6th October, 2017

S.O. 2417.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 18/2016) of the Central Government Industrial Tribunal/Labour Court-1, Chandigarh now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Indian Oil Corporation Ltd. and other and their workman, which was received by the Central Government on 06.10.2017.

[No. L-30011/15/2016-IR (M)]

RAJESH KUMAR, Under Secy.

ANNEXURE

**BEFORE PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH**

CASE No. ID No. 18 of 2016

The Pradhan, Panipat Refinery Contractors Sharamik Sangathan,
B.M.S. Office, Mal Godam Road, Panipat (Haryana)-132103

...(Petitioner)

Versus

- 1) The Executive Deirector, M/s. Indian Oil Corporation Ltd.
Panipat Refinery, Panipat (Haryana)-132140
- 2) M/s. R.K. Garg Contractor, Bajrang Bhawan,
Near UCO Bank Building, G.T. Road,
Panipat (Haryana) -132103

...(Respondents)

Nemo For Workman :

Mr. Mohit Garg for Respondent No. 1

Mr. Paul S. Saini for IOC

AWARD

22/08/2017

Government of India Ministry of Labour vide notification No.L-30011/15/2016-IR (M) dated 09.08.2016 has referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management M/s R.K. Garg Contractor, Panipat in terminating the services of the workman Sh. Dharambir on 30.11.2015 and not paying terminal benefits are just & legal? If not, then what benefits the workman is entitled to and from which date?”

The workman is absent. The case was repeatedly called but no one appeared on behalf of workman. The record bears testimony to the fact that right from 15.09.2016 the workman has been absenting continuously and even after being served through registered post he has not bothered to ensure his presence in the Court to pursue his claim.

During the pendency of this case an application has been submitted by management on 15.05.2017 stating their in that the workman has settled the dispute with the respondent No. 1, which fact is established by his admission letter dated 04.05.2016, wherein he appears to have admitted that he has settled the claim out of Court with the contractor and so there is no purpose in pursuing this litigation. Given the facts stated above, it appears that the workman has lost interest in the matter probably because of the that he has received his dues and so it is mere wastage of the time of the Court to wait any further for the workman to appear. So the case is dismissed for the non prosecution. Copy of the Award be forwarded to Central Govt. for further necessary action.

Reference is answered accordingly. Central Govt. be informed. Soft copy as well as hard copy be sent to the Central Govt. for publication.

A. K. KOUL, Presiding Officer

नई दिल्ली, 6 अक्टूबर, 2017

का.आ. 2418.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स इण्डियन ऑयल कार्पोरेशन लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, चंडीगढ़ के पंचाट (संदर्भ संख्या 19/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.10.2017 को प्राप्त हुआ था।

[सं. एल-30011/16/2016-आईआर (एम)]

राजेश कुमार, अवर सचिव

New Delhi, the 6th October, 2017

S.O. 2418.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 19/2016) of the Central Government Industrial Tribunal/Labour Court-1, Chandigarh now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Indian Oil Corporation Ltd. and other and their workman, which was received by the Central Government on 06.10.2017.

[No. L-30011/16/2016-IR (M)]

RAJESH KUMAR, Under Secy.

ANNEXURE

BEFORE PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH

CASE No. ID No. 19 of 2016

The Pradhan, Panipat Refinery Contractors Sharamik Sangathan,
B.M.S. Office, Mal Godam Road, Panipat (Haryana)-132103

...(Petitioner)

Versus

1) The Executive Director, M/s. Indian Oil Corporation Ltd.
Panipat Refinery, Panipat (Haryana)-132140

2) M/s. R.K. Garg Contrator, Bajrang Bhawan,
Near UCO Bank Building, G.T. Road,
Panipat (Haryana) -132103

...(Respondents)

Nemo For Workman :

Mr. Mohak Garg for Respondent No. 1

Mr. Paul S. Saini for IOC

AWARD

22/08/2017

Government of India Ministry of Labour vide notification No.L-30011/16/2016-IR (M) dated 09.08.2016 has referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management M/s. R.K. Garg Contractor, Panipat in terminating the services of the workman Sh. Dinesh Kumar on 30.11.2015 and not paying terminal benefits are just & legal? If not, then what benefits the workman is entitled to and from which date?”

The workman is absent. The case was repeatedly called but no one appeared on behalf of workman. The record bears testimony to the fact that right from 15.09.2016 the workman has been absenting continuously and even after being served through registered post he has not bothered to ensure his presence in the Court to pursue his claim.

During the pendency of this case an application has been submitted by management on 15.05.2017 stating their in that the workman has settled the dispute with the respondent No. 1, which fact is established by his admission letter dated 08.09.2016, wherein he appears to have admitted that he has settled the claim out of Court with the contractor and so there is no purpose in pursuing this litigation. Given the facts stated above, it appears that the workman has lost interest in the matter probably because of the that he has received his dues and so it is mere wastage of the time of the Court to wait any further for the workman to appear. So the case is dismissed for the non prosecution. Copy of the Award be forwarded to Central Govt. for further necessary action.

Reference is answered accordingly. Central Govt. be informed. Soft copy as well as hard copy be sent to the Central Govt. for publication.

A. K. KOUL, Presiding Officer

नई दिल्ली, 6 अक्टूबर, 2017

का.आ. 2419.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स इण्डियन ऑयल कार्पोरेशन लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, चंडीगढ़ के पंचाट (संदर्भ संख्या 20/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.10.2017 को प्राप्त हुआ था।

[सं. एल-30011/17/2016-आईआर (एम)]

राजेश कुमार, अवर सचिव

New Delhi, the 6th October, 2017

S.O. 2419.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 20/2016) of the Central Government Industrial Tribunal/Labour Court-1, Chandigarh now as shown in the Annexure, in the industrial dispute between the employers in relation to the

management of M/s. Indian Oil Corporation Ltd. and other and their workman, which was received by the Central Government on 06.10.2017.

[No. L-30011/17/2016-IR (M)]

RAJESH KUMAR, Under Secy.

ANNEXURE

BEFORE PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH

CASE No. ID No. 20 of 2016

The Pradhan, Panipat Refinery Contractors Sharamik Sangathan,
B.M.S. Office, Mal Godam Road, Panipat (Haryana)-132103

...(Petitioner)

Versus

1) The Executive Director, M/s. Indian Oil Corporation Ltd.
Panipat Refinery, Panipat (Haryana)-132140

2) M/s. R.K. Garg Contractor, Bajrang Bhawan,
Near UCO Bank Building, G.T. Road,
Panipat (Haryana) -132103

...(Respondents)

Nemo For Workman :

Mr. Mohak Garg for Respondent No. 1

Mr. Paul S. Saini for IOC

AWARD

22/08/2017

Government of India Ministry of Labour vide notification No. L-30011/17/2016-IR (M) dated 09.08.2016 has referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management M/s R.K. Garg Contractor, Panipat in terminating the services of the workman Sh. Sultan Singh on 30.11.2015 and not paying terminal benefits are just & legal? If not, then what benefits the workman is entitled to and from which date?”

The workman is absent. The case was repeatedly called but no one appeared on behalf of workman. The record bears testimony to the fact that right from 15.09.2016 the workman has been absenting continuously and even after being served through registered post he has not bothered to ensure his presence in the Court to pursue his claim.

During the pendency of this case an application has been submitted by management on 15.05.2017 stating their in that the workman has settled the dispute with the respondent No. 1, which fact is established by his admission letter dated 17.09.2016, wherein he appears to have admitted that he has settled the claim out of Court with the contractor and so there is no purpose in pursuing this litigation. Given the facts stated above, it appears that the workman has lost interest in the matter probably because of that he has received his dues and so it is mere wastage of the time of the Court to wait any further for the workman to appear. So the case is dismissed for the non prosecution. Copy of the Award be forwarded to Central Govt. for further necessary action.

Reference is answered accordingly. Central Govt. be informed. Soft copy as well as hard copy be sent to the Central Govt. for publication.

A. K. KOUL, Presiding Officer

नई दिल्ली, 6 अक्टूबर, 2017

का.आ. 2420.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स इण्डियन ऑयल कॉर्पोरेशन लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, चंडीगढ़ के पंचाट (संदर्भ संख्या 21/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.10.2017 को प्राप्त हुआ था।

[सं. एल-30011/18/2016-आईआर (एम)]

राजेश कुमार, अवर सचिव

New Delhi, the 6th October, 2017

S.O. 2420.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 21/2016) of the Central Government Industrial Tribunal/Labour Court-1, Chandigarh now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Indian Oil Corporation Ltd. and other and their workman, which was received by the Central Government on 06.10.2017.

[No. L-30011/18/2016-IR (M)]

RAJESH KUMAR, Under Secy.

ANNEXURE**BEFORE PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH****CASE No. ID No. 21 of 2016**

The Pradhan, Panipat Refinery Contractors Sharamik Sangathan,
B.M.S. Office, Mal Godam Road, Panipat (Haryana)-132103

...(Petitioner)

Versus

1) The Executive Director, M/s. Indian Oil Corporation Ltd.
Panipat Refinery, Panipat (Haryana)-132140

2) M/s. R.K. Garg Contractor, Bajrang Bhawan,
Near UCO Bank Building, G.T. Road,
Panipat (Haryana) -132103

...(Respondents)

Nemo For Workman :

Mr. Mohak Garg for Respondent No. 1

Mr. Paul S. Saini for IOC

AWARD

22/08/2017

Government of India Ministry of Labour vide notification No. L-30011/18/2016-IR (M) dated 09.08.2016 has referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management M/s R.K. Garg Contractor, Panipat in terminating the services of the workman Sh. Ravinder on 30.11.2015 and not paying terminal benefits are just & legal? If not, then what benefits the workman is entitled to and from which date?”

The workman is absent. The case was repeatedly called but no one appeared on behalf of workman. The record bears testimony to the fact that right from 15.09.2016 the workman has been absenting continuously and even after being served through registered post he has not bothered to ensure his presence in the Court to pursue his claim.

During the pendency of this case an application has been submitted by management on 15.05.2017 stating their in that the workman has settled the dispute with the respondent No. 1, which fact is established by his admission letter dated 17.09.2016, wherein he appears to have admitted that he has settled the claim out of Court with the contractor and so there is no purpose in pursuing this litigation. Given the facts stated above, it appears that the workman has lost interest in the matter probably because of that he has received his dues and so it is mere wastage of the time of the Court to wait any further for the workman to appear. So the case is dismissed for the non prosecution. Copy of the Award be forwarded to Central Govt. for further necessary action.

Reference is answered accordingly. Central Govt. be informed. Soft copy as well as hard copy be sent to the Central Govt. for publication.

A. K. KOUL, Presiding Officer

नई दिल्ली, 6 अक्टूबर, 2017

का.आ. 2421.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स इण्डियन ऑयल कार्पोरेशन लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक

विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, चंडीगढ़ के पंचाट (संदर्भ संख्या 22/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.10.2017 को प्राप्त हुआ था।

[सं. एल-30011/19/2016-आईआर (एम)]

राजेश कुमार, अवर सचिव

New Delhi, the 6th October, 2017

S.O. 2421.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 22/2016) of the Central Government Industrial Tribunal/Labour Court-1, Chandigarh now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Indian Oil Corporation Ltd. and other and their workman, which was received by the Central Government on 06.10.2017.

[No. L-30011/19/2016-IR (M)]

RAJESH KUMAR, Under Secy.

ANNEXURE

BEFORE PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH

CASE No. ID No. 22 of 2016

The Pradhan, Panipat Refinery Contractors Sharamik Sangathan,
B.M.S. Office, Mal Godam Road, Panipat (Haryana)-132103

...(Petitioner)

Versus

1) The Executive Director, M/s. Indian Oil Corporation Ltd.
Panipat Refinery, Panipat (Haryana)-132140

2) M/s. R.K. Garg Contractor, Bajrang Bhawan,
Near UCO Bank Building, G.T. Road,
Panipat (Haryana) -132103

...(Respondents)

Nemo For Workman :

Mr. Mohak Garg for Respondent No. 1

Mr. Paul S. Saini for IOC

AWARD

22/08/2017

Government of India Ministry of Labour vide notification No. L-30011/19/2016-IR (M) dated 09.08.2016 has referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management M/s R.K. Garg Contractor, Panipat in terminating the services of the workman Sh. Sonu Kumar on 30.11.2015 and not paying terminal benefits are just & legal? If not, then what benefits the workman is entitled to and from which date?”

The workman is absent. The case was repeatedly called but no one appeared on behalf of workman. The record bears testimony to the fact that right from 15.09.2016 the workman has been absenting continuously and even after being served through registered post he has not bothered to ensure his presence in the Court to pursue his claim.

During the pendency of this case an application has been submitted by management on 15.05.2017 stating their in that the workman has settled the dispute with the respondent No. 1, which fact is established by his admission letter dated 17.09.2016, wherein he appears to have admitted that he has settled the claim out of Court with the contractor and so there is no purpose in pursuing this litigation. Given the facts stated above, it appears that the workman has lost interest in the matter probably because of the that he has received his dues and so it is mere wastage of the time of the Court to wait any further for the workman to appear. So the case is dismissed for the non prosecution. Copy of the Award be forwarded to Central Govt. for further necessary action.

Reference is answered accordingly. Central Govt. be informed. Soft copy as well as hard copy be sent to the Central Govt. for publication.

A. K. KOUL, Presiding Officer

नई दिल्ली, 6 अक्टूबर, 2017

का.आ. 2422.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स इण्डियन ऑयल कॉर्पोरेशन लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, चंडीगढ़ के पंचाट (संदर्भ संख्या 23/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.10.2017 को प्राप्त हुआ था।

[सं. एल-30011/21/2016-आईआर (एम)]

राजेश कुमार, अवर सचिव

New Delhi, the 6th October, 2017

S.O. 2422.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 23/2016) of the Central Government Industrial Tribunal/Labour Court-1, Chandigarh now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Indian Oil Corporation Ltd. and other and their workman, which was received by the Central Government on 06.10.2017.

[No. L-30011/21/2016-IR (M)]

RAJESH KUMAR, Under Secy.

ANNEXURE**BEFORE PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH****CASE No. ID No. 23 of 2016**

The Pradhan, Panipat Refinery Contractors Sharamik Sangathan,
B.M.S. Office, Mal Godam Road, Panipat (Haryana)-132103

...(Petitioner)

Versus

- 1) The Executive Director, M/s. Indian Oil Corporation Ltd.
Panipat Refinery, Panipat (Haryana)-132140
- 2) M/s. R.K. Garg Contractor, Bajrang Bhawan,
Near UCO Bank Building, G.T. Road,
Panipat (Haryana) -132103

...(Respondents)

Nemo For Workman :

Mr. Mohak Garg for Respondent No. 1

Mr. Paul S. Saini for IOC

AWARD

22/08/2017

Government of India Ministry of Labour vide notification No. L-30011/21/2016-IR (M) dated 09.08.2016 has referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management M/s R.K. Garg Contractor, Panipat in terminating the services of the workman Sh. Jaipal on 30.11.2015 and not paying terminal benefits are just & legal? If not, then what benefits the workman is entitled to and from which date?”

The workman is absent. The case was repeatedly called but no one appeared on behalf of workman. The record bears testimony to the fact that right from 15.09.2016 the workman has been absenting continuously and even after being served through registered post he has not bothered to ensure his presence in the Court to pursue his claim.

During the pendency of this case an application has been submitted by management on 15.05.2017 stating their in that the workman has settled the dispute with the respondent No. 1, which fact is established by his admission letter dated 17.09.2016, wherein he appears to have admitted that he has settled the claim out of Court with the contractor and so there is no purpose in pursuing this litigation. Given the facts stated above, it appears that the workman has lost interest in the matter probably because of the that he has received his dues and so it is mere wastage of the time of the

Court to wait any further for the workman to appear. So the case is dismissed for the non prosecution. Copy of the Award be forwarded to Central Govt. for further necessary action.

Reference is answered accordingly. Central Govt. be informed. Soft copy as well as hard copy be sent to the Central Govt. for publication.

A. K. KOUL, Presiding Officer

नई दिल्ली, 6 अक्टूबर, 2017

का.आ. 2423.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स इण्डियन ऑयल कार्पोरेशन लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, चंडीगढ़ के पंचाट (संदर्भ संख्या 24/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.10.2017 को प्राप्त हुआ था।

[सं. एल-30011/25/2016-आईआर (एम)]

राजेश कुमार, अवर सचिव

New Delhi, the 6th October, 2017

S.O. 2423.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 24/2016) of the Central Government Industrial Tribunal/Labour Court-1, Chandigarh now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Indian Oil Corporation Ltd. and other and their workman, which was received by the Central Government on 06.10.2017.

[No. L-30011/25/2016-IR (M)]

RAJESH KUMAR, Under Secy.

ANNEXURE

BEFORE PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH

CASE No. ID No. 24 of 2016

The Pradhan, Panipat Refinery Contractors Sharamik Sangathan,
B.M.S. Office, Mal Godam Road, Panipat (Haryana)-132103

...(Petitioner)

Versus

1) The Executive Director, M/s. Indian Oil Corporation Ltd.
Panipat Refinery, Panipat (Haryana)-132140

2) M/s. R.K. Garg Contractor, Bajrang Bhawan,
Near UCO Bank Building, G.T. Road,
Panipat (Haryana) -132103

...(Respondents)

Nemo For Workman :

Mr. Mohak Garg for Respondent No. 1

Mr. Paul S. Saini for IOC

AWARD

22/08/2017

Government of India Ministry of Labour vide notification No. L-30011/25/2016-IR (M) dated 09.08.2016 has referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management M/s R.K. Garg Contractor, Panipat in terminating the services of the workman Sh. Shafiq on 30.11.2015 and not paying terminal benefits are just & legal? If not, then what benefits the workman is entitled to and from which date?”

The workman is absent. The case was repeatedly called but no one appeared on behalf of workman. The record bears testimony to the fact that right from 15.09.2016 the workman has been absenting continuously and even after being served through registered post he has not bothered to ensure his presence in the Court to pursue his claim.

During the pendency of this case an application has been submitted by management on 15.05.2017 stating their in that the workman has settled the dispute with the respondent No. 1, which fact is established by his admission letter dated 09.09.2016, wherein he appears to have admitted that he has settled the claim out of Court with the contractor and so there is no purpose in pursuing this litigation. Given the facts stated above, it appears that the workman has lost interest in the matter probably because of the that he has received his dues and so it is mere wastage of the time of the Court to wait any further for the workman to appear. So the case is dismissed for the non prosecution. Copy of the Award be forwarded to Central Govt. for further necessary action.

Reference is answered accordingly. Central Govt. be informed. Soft copy as well as hard copy be sent to the Central Govt. for publication.

A. K. KOUL, Presiding Officer

नई दिल्ली, 6 अक्टूबर, 2017

का.आ. 2424.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स इण्डियन ऑयल कार्पोरेशन लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, चंडीगढ़ के पंचाट (संदर्भ संख्या 25/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.10.2017 को प्राप्त हुआ था।

[सं. एल-30011/26/2016-आईआर (एम)]

राजेश कुमार, अवर सचिव

New Delhi, the 6th October, 2017

S.O. 2424.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 25/2016) of the Central Government Industrial Tribunal/Labour Court-1, Chandigarh now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Indian Oil Corporation Ltd. and other and their workman, which was received by the Central Government on 06.10.2017.

[No. L-30011/26/2016-IR (M)]

RAJESH KUMAR, Under Secy.

ANNEXURE

BEFORE PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH

CASE No. ID No. 25 of 2016

The Pradhan, Panipat Refinery Contractors Shramik Sangathan,
B.M.S. Office, Mal Godam Road, Panipat (Haryana)-132103

...(Petitioner)

Versus

1) The Executive Director, M/s. Indian Oil Corporation Ltd.
Panipat Refinery, Panipat (Haryana)-132140

2) M/s. R.K. Garg Contractor, Bajrang Bhawan,
Near UCO Bank Building, G.T. Road,
Panipat (Haryana) -132103

...(Respondents)

Nemo For Workman :

Mr. Mohak Garg for Respondent No. 1

Mr. Paul S. Saini for IOC

AWARD

22/08/2017

Government of India Ministry of Labour vide notification No.L-30011/26/2016-IR (M) dated 09.08.2016 has referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management M/s R.K. Garg Contractor, Panipat in terminating the services of the workman Sh. Ajit Kumar on 30.11.2015 and not paying terminal benefits are just & legal? If not, then what benefits the workman is entitled to and from which date?”

The workman is absent. The case was repeatedly called but no one appeared on behalf of workman. The record bears testimony to the fact that right from 15.09.2016 the workman has been absenting continuously and even after being served through registered post he has not bothered to ensure his presence in the Court to pursue his claim.

During the pendency of this case an application has been submitted by management on 15.05.2017 stating their in that the workman has settled the dispute with the respondent No. 1, which fact is established by his admission letter dated 17.09.2016, wherein he appears to have admitted that he has settled the claim out of Court with the contractor and so there is no purpose in pursuing this litigation. Given the facts stated above, it appears that the workman has lost interest in the matter probably because of the that he has received his dues and so it is mere wastage of the time of the Court to wait any further for the workman to appear. So the case is dismissed for the non prosecution. Copy of the Award be forwarded to Central Govt. for further necessary action.

Reference is answered accordingly. Central Govt. be informed. Soft copy as well as hard copy be sent to the Central Govt. for publication.

A. K. KOUL, Presiding Officer

नई दिल्ली, 6 अक्टूबर, 2017

का.आ. 2425.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स इण्डियन ऑयल कॉर्पोरेशन लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, चंडीगढ़ के पंचाट (संदर्भ संख्या 35/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.10.2017 को प्राप्त हुआ था।

[सं. एल-30011/20/2016-आईआर (एम)]

राजेश कुमार, अवर सचिव

New Delhi, the 6th October, 2017

S.O. 2425.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 35/2016) of the Central Government Industrial Tribunal/Labour Court-1, Chandigarh now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Indian Oil Corporation Ltd. and other and their workman, which was received by the Central Government on 06.10.2017.

[No. L-30011/20/2016-IR (M)]

RAJESH KUMAR, Under Secy.

ANNEXURE

BEFORE PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH

CASE No. ID No. 35 of 2016

The Pradhan, Panipat Refinery Contractors Sharamik Sangathan,
B.M.S. Office, Mal Godam Road, Panipat (Haryana)-132103

...(Petitioner)

Versus

1) The Executive Director, M/s. Indian Oil Corporation Ltd.
Panipat Refinery, Panipat (Haryana)-132140

2) M/s. R.K. Garg Contractor, Bajrang Bhawan,
Near UCO Bank Building, G.T. Road,
Panipat (Haryana) -132103

...(Respondents)

Nemo For Workman :

Mr. Mohak Garg for Respondent No. 1

Mr. Paul S. Saini for IOC

AWARD

23/08/2017

Government of India Ministry of Labour vide notification No. L-30011/20/2016-IR (M) dated 06.09.2016 has referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management M/s R.K. Garg Contractor, Panipat in terminating the services of the workman Sh. Vijay Kumar on 30.11.2015 and not paying terminal benefits are just & legal? If not, then what benefits the workman is entitled to and from which date?”

The workman is absent. The case was repeatedly called but no one appeared on behalf of workman. The record bears testimony to the fact that right from 25.10.2016 the workman has been absenting continuously and even after being served through registered post he has not bothered to ensure his presence in the Court to pursue his claim.

During the pendency of this case an application has been submitted by management on 16.05.2017 stating their in that the workman has settled the dispute with the respondent No. 1, which fact is established by his admission letter dated 12.09.2016, wherein he appears to have admitted that he has settled the claim out of Court with the contractor and so there is no purpose in pursuing this litigation. Given the facts stated above, it appears that the workman has lost interest in the matter probably because of the that he has received his dues and so it is mere wastage of the time of the Court to wait any further for the workman to appear. So the case is dismissed for the non prosecution. Copy of the Award be forwarded to Central Govt. for further necessary action.

Reference is answered accordingly. Central Govt. be informed. Soft copy as well as hard copy be sent to the Central Govt. for publication.

A. K. KOUL, Presiding Officer

नई दिल्ली, 6 अक्टूबर, 2017

का.आ. 2426.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स इण्डियन ऑयल कॉर्पोरेशन लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, चंडीगढ़ के पंचाट (संदर्भ संख्या 36/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.10.2017 को प्राप्त हुआ था।

[सं. एल-30011/22/2016-आईआर (एम)]

राजेश कुमार, अवर सचिव

New Delhi, the 6th October, 2017

S.O. 2426.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 36/2016) of the Central Government Industrial Tribunal/Labour Court-1, Chandigarh now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Indian Oil Corporation Ltd. and other and their workman, which was received by the Central Government on 06.10.2017.

[No. L-30011/22/2016-IR (M)]

RAJESH KUMAR, Under Secy.

ANNEXURE

**BEFORE PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH**

CASE No. ID No. 36 of 2016

The Pradhan, Panipat Refinery Contractors Sharamik Sangathan,
B.M.S. Office, Mal Godam Road, Panipat (Haryana)-132103

...(Petitioner)

Versus

1) The Executive Director, M/s. Indian Oil Corporation Ltd.
Panipat Refinery, Panipat (Haryana)-132140

2) M/s. R.K. Garg Contractor, Bajrang Bhawan,
Near UCO Bank Building, G.T. Road,
Panipat (Haryana) -132103

...(Respondents)

Nemo For Workman :

Mr. Mohak Garg for Respondent No. 1

Mr. Paul S. Saini for IOC

AWARD

23/08/2017

Government of India Ministry of Labour vide notification No.L-30011/22/2016-IR (M) dated 06.09.2016 has referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management M/s R.K. Garg Contractor, Panipat in terminating the services of the workman Sh. Pawan on 30.11.2015 and not paying terminal benefits are just & legal? If not, then what benefits the workman is entitled to and from which date?”

The workman is absent. The case was repeatedly called but no one appeared on behalf of workman. The record bears testimony to the fact that right from 25.10.2016 the workman has been absenting continuously and even after being served through registered post he has not bothered to ensure his presence in the Court to pursue his claim.

During the pendency of this case an application has been submitted by management on 16.05.2017 stating their in that the workman has settled the dispute with the respondent No. 1, which fact is established by his admission letter dated 09.09.2016, wherein he appears to have admitted that he has settled the claim out of Court with the contractor and so there is no purpose in pursuing this litigation. Given the facts stated above, it appears that the workman has lost interest in the matter probably because of the that he has received his dues and so it is mere wastage of the time of the Court to wait any further for the workman to appear. So the case is dismissed for the non prosecution. Copy of the Award be forwarded to Central Govt. for further necessary action.

Reference is answered accordingly. Central Govt. be informed. Soft copy as well as hard copy be sent to the Central Govt. for publication.

A. K. KOUL, Presiding Officer

नई दिल्ली, 6 अक्टूबर, 2017

का.आ. 2427.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स इण्डियन ऑयल कार्पोरेशन लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, चंडीगढ़ के पंचाट (संदर्भ संख्या 37/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.10.2017 को प्राप्त हुआ था।

[सं. एल-30011/23/2016-आईआर (एम)]

राजेश कुमार, अवर सचिव

New Delhi, the 6th October, 2017

S.O. 2427.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 37/2016) of the Central Government Industrial Tribunal/Labour Court-1, Chandigarh now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Indian Oil Corporation Ltd. and other and their workman, which was received by the Central Government on 06.10.2017.

[No. L-30011/23/2016-IR (M)]

RAJESH KUMAR, Under Secy.

ANNEXURE

**BEFORE PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH**

CASE No. ID No. 37 of 2016

The Pradhan, Panipat Refinery Contractors Sharamik Sangathan,
B.M.S. Office, Mal Godam Road, Panipat (Haryana)-132103

...(Petitioner)

Versus

- 1) The Executive Director, M/s. Indian Oil Corporation Ltd.
Panipat Refinery, Panipat (Haryana)-132140
- 2) M/s. R.K. Garg Contractor, Bajrang Bhawan,
Near UCO Bank Building, G.T. Road,
Panipat (Haryana) -132103

...(Respondents)

Nemo For Workman :

Mr. Mohak Garg for Respondent No. 1

Mr. Paul S. Saini for IOC

AWARD

23/08/2017

Government of India Ministry of Labour vide notification No.L-30011/23/2016-IR (M) dated 06.09.2016 has referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management M/s R.K. Garg Contractor, Panipat in terminating the services of the workman Sh. Jitender on 30.11.2015 and not paying terminal benefits are just & legal? If not, then what benefits the workman is entitled to and from which date?”

The workman is absent. The case was repeatedly called but no one appeared on behalf of workman. The record bears testimony to the fact that right from 25.10.2016 the workman has been absenting continuously and even after being served through registered post he has not bothered to ensure his presence in the Court to pursue his claim.

During the pendency of this case an application has been submitted by management on 16.05.2017 stating their in that the workman has settled the dispute with the respondent No. 1, which fact is established by his admission letter dated 19.05.2016, wherein he appears to have admitted that he has settled the claim out of Court with the contractor and so there is no purpose in pursuing this litigation. Given the facts stated above, it appears that the workman has lost interest in the matter probably because of the that he has received his dues and so it is mere wastage of the time of the Court to wait any further for the workman to appear. So the case is dismissed for the non prosecution. Copy of the Award be forwarded to Central Govt. for further necessary action.

Reference is answered accordingly. Central Govt. be informed. Soft copy as well as hard copy be sent to the Central Govt. for publication.

A. K. KOUL, Presiding Officer

नई दिल्ली, 6 अक्टूबर, 2017

का.आ. 2428.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स इण्डियन ऑयल कॉर्पोरेशन लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, चंडीगढ़ के पंचाट (संदर्भ संख्या 38/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.10.2017 को प्राप्त हुआ था।

[सं. एल-30011/24/2016-आईआर (एम)]

राजेश कुमार, अवर सचिव

New Delhi, the 6th October, 2017

S.O. 2428.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 38/2016) of the Central Government Industrial Tribunal/Labour Court-1, Chandigarh now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Indian Oil Corporation Ltd. and other and their workman, which was received by the Central Government on 06.10.2017.

[No. L-30011/24/2016-IR (M)]

RAJESH KUMAR, Under Secy.

ANNEXURE

BEFORE PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH

CASE No. ID No. 38 of 2016

The Pradhan, Panipat Refinery Contractors Sharamik Sangathan,
B.M.S. Office, Mal Godam Road, Panipat (Haryana)-132103

...(Petitioner)

Versus

1) The Executive Director, M/s. Indian Oil Corporation Ltd.
Panipat Refinery, Panipat (Haryana)-132140

2) M/s. R.K. Garg Contractor, Bajrang Bhawan,
Near UCO Bank Building, G.T. Road,
Panipat (Haryana) -132103

...(Respondents)

Nemo For Workman :

Mr. Mohak Garg for Respondent No. 1

Mr. Paul S. Saini for IOC

AWARD

23/08/2017

Government of India Ministry of Labour vide notification No.L-30011/24/2016-IR (M) dated 01.09.2016 has referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management M/s R.K. Garg Contractor, Panipat in terminating the services of the workman Sh. Satbir on 30.11.2015 and not paying terminal benefits are just & legal? If not, then what benefits the workman is entitled to and from which date?”

The workman is absent. The case was repeatedly called but no one appeared on behalf of workman. The record bears testimony to the fact that right from 25.10.2016 the workman has been absenting continuously and even after being served through registered post he has not bothered to ensure his presence in the Court to pursue his claim.

During the pendency of this case an application has been submitted by management on 16.05.2017 stating their in that the workman has settled the dispute with the respondent No. 1, which fact is established by his admission letter dated 17.09.2016, wherein he appears to have admitted that he has settled the claim out of Court with the contractor and so there is no purpose in pursuing this litigation. Given the facts stated above, it appears that the workman has lost interest in the matter probably because of the that he has received his dues and so it is mere wastage of the time of the Court to wait any further for the workman to appear. So the case is dismissed for the non prosecution. Copy of the Award be forwarded to Central Govt. for further necessary action.

Reference is answered accordingly. Central Govt. be informed. Soft copy as well as hard copy be sent to the Central Govt. for publication.

A. K. KOUL, Presiding Officer

नई दिल्ली, 6 अक्टूबर, 2017

का.आ. 2429.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स इण्डियन ऑयल कॉर्पोरेशन लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, चंडीगढ़ के पंचाट (संदर्भ संख्या 39/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.10.2017 को प्राप्त हुआ था।

[सं. एल-30011/27/2016-आईआर (एम)]

राजेश कुमार, अवर सचिव

New Delhi, the 6th October, 2017

S.O. 2429.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 39/2016) of the Central Government Industrial Tribunal/Labour Court-1, Chandigarh now as shown in the Annexure, in the industrial dispute between the employers in relation to the

management of M/s. Indian Oil Corporation Ltd. and other and their workman, which was received by the Central Government on 06.10.2017.

[No. L-30011/27/2016-IR (M)]

RAJESH KUMAR, Under Secy.

ANNEXURE

BEFORE PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH

CASE No. ID No. 39 of 2016

The Pradhan, Panipat Refinery Contractors Sharamik Sangathan,
B.M.S. Office, Mal Godam Road, Panipat (Haryana)-132103

...(Petitioner)

Versus

1) The Executive Director, M/s. Indian Oil Corporation Ltd.
Panipat Refinery, Panipat (Haryana)-132140

2) M/s. R.K. Garg Contractor, Bajrang Bhawan,
Near UCO Bank Building, G.T. Road,
Panipat (Haryana) -132103

...(Respondents)

Nemo For Workman :

Mr. Mohak Garg for Respondent No. 1

Mr. Paul S. Saini for IOC

AWARD

23/08/2017

Government of India Ministry of Labour vide notification No. L-30011/27/2016-IR (M) dated 06.09.2016 has referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management M/s. R.K. Garg Contractor, Panipat in terminating the services of the workman Sh. Jyoti Lal on 30.11.2015 and not paying terminal benefits are just & legal? If not, then what benefits the workman is entitled to and from which date?”

The workman is absent. The case was repeatedly called but no one appeared on behalf of workman. The record bears testimony to the fact that right from 25.10.2016 the workman has been absenting continuously and even after being served through registered post he has not bothered to ensure his presence in the Court to pursue his claim.

During the pendency of this case an application has been submitted by management on 16.05.2017 stating their in that the workman has settled the dispute with the respondent No. 1, which fact is established by his admission letter dated 17.09.2016, wherein he appears to have admitted that he has settled the claim out of Court with the contractor and so there is no purpose in pursuing this litigation. Given the facts stated above, it appears that the workman has lost interest in the matter probably because of the that he has received his dues and so it is mere wastage of the time of the Court to wait any further for the workman to appear. So the case is dismissed for the non prosecution. Copy of the Award be forwarded to Central Govt. for further necessary action.

Reference is answered accordingly. Central Govt. be informed. Soft copy as well as hard copy be sent to the Central Govt. for publication.

A. K. KOUL, Presiding Officer

नई दिल्ली, 6 अक्टूबर, 2017

का.आ. 2430.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स इण्डियन ऑयल कॉर्पोरेशन लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, चंडीगढ़ के पंचाट (संदर्भ संख्या 40/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.10.2017 को प्राप्त हुआ था।

[सं. एल-30011/14/2016-आईआर (एम)]

राजेश कुमार, अवर सचिव

New Delhi, the 6th October, 2017

S.O. 2430.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 40/2016) of the Central Government Industrial Tribunal/Labour Court-1, Chandigarh now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Indian Oil Corporation Ltd. and other and their workman, which was received by the Central Government on 06.10.2017.

[No. L-30011/14/2016-IR (M)]

RAJESH KUMAR, Under Secy.

ANNEXURE

**BEFORE PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH**

CASE No. ID No. 40 of 2016

The Pradhan, Panipat Refinery Contractors Sharamik Sangathan,
B.M.S. Office, Mal Godam Road, Panipat (Haryana)-132103

...(Petitioner)

Versus

1) The Executive Director, M/s. Indian Oil Corporation Ltd.
Panipat Refinery, Panipat (Haryana)-132140

2) M/s. R.K. Garg Contractor, Bajrang Bhawan,
Near UCO Bank Building, G.T. Road,
Panipat (Haryana) -132103

...(Respondents)

Nemo For Workman :

Mr. Mohak Garg for Respondent No. 1

Mr. Paul S. Saini for IOC

AWARD

23/08/2017

Government of India Ministry of Labour vide notification No.L-30011/14/2016-IR (M) dated 12.09.2016 has referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management M/s. R.K. Garg Contractor, Panipat in terminating the services of the workman Sh. Majal Singh on 30.11.2015 and not paying terminal benefits are just & legal? If not, then what benefits the workman is entitled to and from which date?”

The workman is absent. The case was repeatedly called but no one appeared on behalf of workman. The record bears testimony to the fact that right from 25.10.2016 the workman has been absenting continuously and even after being served through registered post he has not bothered to ensure his presence in the Court to pursue his claim.

During the pendency of this case an application has been submitted by management on 16.05.2017 stating their in that the workman has settled the dispute with the respondent No. 1, which fact is established by his admission letter dated 17.09.2016, wherein he appears to have admitted that he has settled the claim out of Court with the contractor and so there is no purpose in pursuing this litigation. Given the facts stated above, it appears that the workman has lost interest in the matter probably because of the that he has received his dues and so it is mere wastage of the time of the Court to wait any further for the workman to appear. So the case is dismissed for the non prosecution. Copy of the Award be forwarded to Central Govt. for further necessary action.

Reference is answered accordingly. Central Govt. be informed. Soft copy as well as hard copy be sent to the Central Govt. for publication.

A. K. KOUL, Presiding Officer

नई दिल्ली, 10 अक्टूबर, 2017

का.आ. 2431.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ. एन.जी.सी. लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 32/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09.10.2017 को प्राप्त हुआ था।

[सं. एल-30012/25/2013-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 10th October, 2017

S.O. 2431.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 32/2014) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad now as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. O.N.G.C. Ltd. and Others and their workmen, which were received by the Central Government on 09.10.2017.

[No. L-30012/25/2013-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD**

Present : Pramod Kumar Chaturvedi,
Presiding Officer, CGIT cum Labour Court,
Ahmedabad,
Dated 28th August, 2017

Reference: (CGITA) No- 32/2014

1. The Asset Manager,
ONGC Ltd.,
Ankleshwar Asset,
Ankleshwar (Gujarat)

2. The Proprietor,
M/s. Sachin Construction,
At and PO Baluja,
Tal. And Distt. Vadodara,
Vadodara (Gujarat)

... First Party

V/s

Mr. Punjabhai Varrambhai Parmar,
32, Rambaug Society,
Makarpura Road, Vadodara,
Vadodara (Gujarat)

... Second Party

For the First Party : Shri K.V. Gadhia
For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30012/25/2013-IR(M) dated 19.02.2014 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of ONGC Ltd., through its contractor in terminating the services of Shri Punjabhai Vasarambhai Parmar w.e.f. 09.09.2010 without complying the provisions of Section 25-F and 25-G of the I.D. Act 1947 is legal, proper and just? If not, to what relief the concerned workman is entitled to?”

1. The reference dates back to 19.02.2014. Despite service of notice to both the parties, the second party failed to submit his statement of claim. However the first party submitted the vakalatpatra Ex. 3 on 05.11.2015. Therefore, a fresh notice Ex. 4 was issued to the first party No. 2 and the second party to appear on 21.06.2016 but neither of the aforesaid parties appeared on 21.06.2016 nor they send their statement of claim or written statement by post. Despite default of the parties, the tribunal gave them dates on 15.11.2016, 24.01.2017, 21.03.2017, 15.05.2017, 12.06.2017 and 28.08.2017 to file their statement of claim or written statement as the case may be, even in the form of last opportunity, but to no result. Thus it appears that the second party is not willing to prosecute the case.
2. Thus the reference in the absence of the evidence of the second party, is finally disposed of with the observation as under: “the action of the management of ONGC Ltd., through its contractor in terminating the services of Shri Punjabhai Vasarambhai Parmar w.e.f. 09.09.2010 without complying the provisions of Section 25-F and 25-G of the I.D. Act 1947 is legal, proper and just.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 10 अक्टूबर, 2017

का.आ. 2432.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स नेशनल इश्योरेंस कम्पनी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 62/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09.10.2017 को प्राप्त हुआ था।

[सं. एल-17012/14/2015-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 10th October, 2017

S.O. 2432.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 62/2015) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. National Insurance Company Ltd. and their workmen, which was received by the Central Government on 09.10.2017.

[No. L-17012/14/2015-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present : Pramod Kumar Chaturvedi,
Presiding Officer, CGIT- cum-Labour Court,
Ahmedabad,
Dated 06th September, 2017

Reference: (CGITA) No- 62/2015

The Deputy General Manager,
National Insurance Company Ltd.,
Hajubhai Chambers,
Near Town Hall Mill,
Ellice Bridge,
Ahmedabad (Gujarat) – 380006

...First Party

V/s

Shri Dilip Kumbali Rana,
New Sunderpuri,
Talawadi Vistar,
Near Deepak Floor Mill,
Kutch (Gujarat) – 370201

...Second Party

For the First Party : None
For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-17012/14/2015-IR(M) dated 21.07.2015 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of National Insurance Company Ltd., Ahmedabad in terminating the services/engagement of Shri Dilip Kumbaji Rana is just, fair, proper and legal? If so, to what relief is the concerned workman Shri Dilip Kumbaji Rana entitled?”

1. The reference dates back to 21.07.2015. Notices were issued to both the parties. The acknowledgement of the service of the notice to the first party National Insurance Company Ltd. is received on 13.04.2017. However the notice send to the second party workman by registered post Ex. 4 is received as unserved on 17.04.2017 without any remark which indicates that the second party workman does not reside on the address mentioned in the reference.
2. Thus in the said circumstances, the reference is disposed of/dismissed in non-prosecution of the reference by the second party workman.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 10 अक्टूबर, 2017

का.आ. 2433.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ. एन.जी.सी. लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 70/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09.10.2017 को प्राप्त हुआ था।

[सं. एल-30012/27/2015-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 10th October, 2017

S.O. 2433.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 70/2015) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. O.N.G.C. Ltd. and their workmen, which was received by the Central Government on 09.10.2017.

[No. L-30012/27/2015-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD**

Present : Pramod Kumar Chaturvedi,
Presiding Officer,
CGIT cum Labour Court,
Ahmedabad,
Dated 6th September, 2017

Reference: (CGITA) No- 70/2015

The Executive Director,
Oil and Natural Gas Corporation Ltd.,
Ahmedabad Asset, Avani Bhavan, Chandkheda,
Ahmedabad (Gujarat) – 380005

...First Party

V/s

Shri Niktesh N. Solanki,
41, Shaktikunj Society,
Behind Sumjuba Hospital,
Bapunagar,
Ahmedabad
(Gujarat) – 380024

...Second Party

For the First Party : Shri K.V. Gadhia
For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30012/27/2015-IR(M) dated 02.11.2015 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of ONGC Ltd., Ahmedabad in disengaging/discontinuing the services of Shri Niktesh N. Solanki, Pharmacist (on contract basis) and victimizing him by way of non-renewal of contract through non-selection during recruitment process by the Selection Committee of the management, is legal, proper and justified? If not, to what relief Shri Niktesh N. Solanki is entitled to and from which date and what other directions are necessary in the matter?”

1. The reference dates back to 02.11.2015. Both the parties were served by registered post and the first party submitted the vakalatpatra Ex. 5 of his advocate on 10.05.2016. But the second party did not prefer to submit their statement of claim despite giving half a dozen opportunities from the date of service of notice to him on 09.02.2016, the date of the acknowledgement of the service of the notice.
2. Thus it appears that the second party is not willing to prosecute the reference.
3. Therefore, the reference in the absence of the pleadings of the workman, is disposed of with the observation as under: “the action of the management of ONGC Ltd., Ahmedabad in disengaging/discontinuing the services of Shri Niktesh N. Solanki, Pharmacist (on contract basis) and victimizing him by way of non-renewal of contract through non-selection during recruitment process by the Selection Committee of the management, is legal, proper and justified

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 10 अक्टूबर, 2017

का.आ. 2434.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ. एन.जी.सी. लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 206/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09.10.2017 को प्राप्त हुआ था।

[सं. एल-30011/15/1999-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 10th October, 2017

S.O. 2434.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 206/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. O.N.G.C. Ltd. and Others and their workmen, which was received by the Central Government on 09.10.2017.

[No. L-30011/15/1999-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD**

Present : Pramod Kumar Chaturvedi,
Presiding Officer, CGIT cum Labour Court,
Ahmedabad,
Dated 06th September, 2017

Reference: (CGITA) No- 206/2004

1. The Group General Manager,
ONGC Ltd., KDM Bhawan, Palavasana, Mehsana (Gujarat)
2. M/s. Public Powe Mazdoor Kamdar Sahakari Mandli Ltd.,
Opp. Dudhsagar Dairy, Highway Road, Mehsana (Gujarat)
3. M/s. Swastik Mazdoor Kamgar Sahakari Mandli Ltd.,
Sardar Shopping Centre, Near Congressh House, Mehsana (Gujarat)
4. M/s. Multipurpose Manpower Management Services Pvt.,
1st Floor, Tapasvi Chambers, Opp. Sagar Diary, Highway, Mehsana (Gujarat)
5. M/s. Adarsh Majdoor Sahakari Mandli Ltd.,
Near Gayatri Temple, Highway Road, Mehsana (Gujarat)
6. M/s. Chanasma Taluka Majdoor Kamdar Sahakari Mandli Ltd.,
C/o Gandhi Printers, Opp. B.K. Cinema,
S.T. Workshop Road, Mehsana (Gujarat)

... First Party

V/s

The Secretary,
ONGC Labour Union,
8, Samarpan Shopping Complex, Highway Road,
Mehsana (Gujarat)

...Second Party

For the First Party : Shri K.V. Gadhia

For the Second Party : Shri A.S. Kapoor

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30011/15/99-IR(M) dated 16.06.1999 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether ONGC Labour Union is justified in demanding absorption/regularisation of 18 workmen w.e.f. the date of the appointment since working on prohibited category in terms of Notification No. U-23013/4/92 LW dated 08.09.1994 and S.O. No. 779 (E) dated 09.12.1976 issued by Government of India? If so, to what relief the concerned workmen are entitled to?”

3. The reference dates back to 16.06.1999. The second party workman submitted the claim Ex. 5 on 15/16.10.2001 along with the application for interim relief Ex. 6. The first party submitted the written statement Ex. 27 on 22.01.2009 along with the reply to the application of interim relief. Since then the second party workman has not been leading evidence despite giving dozens of opportunities to lead evidence. On 25.01.2017, advocate Shri Yogen Pandya submitted the vakalatpatra Ex. 29 on behalf of the second party workman with a request to give last opportunity to lead evidence. Thereafter, the case was listed on 15.03.2017, 05.07.2017 and 30.08.2017. On neither of the aforesaid dates, the workman or Shri Yogen Pandya appeared to lead evidence. Thus it appears that the second party is not willing to prosecute the reference.
4. Therefore, the reference in the absence of the evidence of the second party workman, is disposed of with the observation as under: “ONGC Labour Union is unjustified in demanding absorption/regularisation of 18 workmen w.e.f. the date of the appointment since working on prohibited category in terms of Notification No. U-23013/4/92 LW dated 08.09.1994 and S.O. No. 779 (E) dated 09.12.1976 issued by Government of India.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 10 अक्टूबर, 2017

का.आ. 2435.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स एविस मैरिन इंजीनियर्स प्राइवेट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 609/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09.10.2017 को प्राप्त हुआ था।

[सं. एल-37011/13/1994-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 10th October, 2017

S.O. 2435.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 609/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. Avis Marine Engineers Pvt. Ltd. and their workmen, which was received by the Central Government on 09.10.2017.

[No. L-37011/13/1994-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD**

Present : Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court, Ahmedabad,
Dated 05th September, 2017

Reference: (CGITA) No- 609/2004

M/s. Avis Marine Engineers Private Limited,
Plot No. 53, Sector – 10/A,
Gandhidham,
Kutch (Gujarat) – 370201

...First Party

V/s

The President,
Kandla Port Karamchari Sangh,
T.C.X. – S – 94,
Gandhidham,
Kutch (Gujarat) – 370201

...Second Party

For the First Party :

For the Second Party : Shri S.N. Gandhi

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-37011/13/94-IR(M) dated 10.02.1995 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the termination/retrenchment of Shri Navin Kharva, Helper, R.H. Gupta, Welder, Jagdish B. Chauhan, Driver and M. Jairaj, Helper by the management of M/s Avis Marine Engineers, Gandhidham w.e.f. 17.03.1994 is valid, just and legal? If not to what benefits the workmen are entitled for and what directions are necessary in the matter?”

1. The reference dates back to 10.02.1995. The second party submitted the statement of claim Ex. 2 on 02.02.1997 and the first party M/s Avis Marine Engineers Private Limited submitted the written statement Ex. 6 on 11.11.1998 along with number of documents vide list Ex. 8. Since then the second party has not been leading evidence despite the fact that the advocate Shri S.N. Gandhi submitted the vakalatpatra Ex. 10 on 25.03.2009. It is also noteworthy that this tribunal issued fresh notice to both the parties on 04.03.2011 to appear on 18.04.2011. The notice sent to the second party was not received as unserved and the second party has also not appeared since then. Thus it appears that the second party workman has not been leading to prosecute the case.
2. Therefore, the reference is disposed of in the absence of the evidence of the second party with the observation as under: “the termination/retrenchment of Shri Navin Kharva, Helper, R.H. Gupta, Welder, Jagdish B. Chauhan, Driver and M. Jairaj, Helper by the management of M/s Avis Marine Engineers, Gandhidham w.e.f. 17.03.1994 is valid, just and legal.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 10 अक्टूबर, 2017

का.आ. 2436.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ. एन.जी.सी. लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 68/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09.10.2017 को प्राप्त हुआ था।

[सं. एल-30012/43/2007-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 10th October, 2017

S.O. 2436.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 68/2010) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. O.N.G.C. Ltd. and Others and their workmen, which was received by the Central Government on 09.10.2017.

[No. L-30012/43/2007-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present : Pramod Kumar Chaturvedi, Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 31st August, 2017

Reference: (CGITA) No- 68/2010

1. M/s. Guardwell Security Services,
217, Omkar Chambers,
Opp. Railway Station,
Surat (Gujarat)
2. The Executive Director – Basin Manager,
ONGC Ltd., Western Sector,
Makarpura Road,
Baroda (Gujarat) – 390009
3. The Manager/Security Officer,
UP Purva Sainik Kalyan Nigam Ltd.,
114/115, Vibhuti Khand Gomtinagar,
Lucknow (U.P.)
4. M/s. Trig Guard Force Ltd.,
Trig House, 10th Floor, JVPD Scheme,
Juhu, Mumbai
5. The Area Manager,
Flash Security and Intelligence Services,
96/1718, Samta Nagar, Kandivali (East),
Mumbai – 400101

...First Party

V/s

Shri Shashikant Tukaram Malode,
702, Vishalnagar, Tarsali,
Baroda (Gujarat)

...Second Party

For the First Party : Shri C.S. Naidu

For the Second Party : Shri J.I. Shah

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30012/43/2007-IR(M) dated 13.05.2008 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of ONGC Ltd., Baroda through its contractor M/s U.P. Purva Sainik Kalyan Nigam Ltd., Lucknow in terminating the services of Shri Shashikant Tukaram Malode, Ex-Security Guard w.e.f. 20.03.2006 without compliance of Section 33 (2) (b) of the Industrial Disputes Act, 1947 during the pendency of industrial dispute for regularisation of service of contract workmen before the CGIT, Ahmedabad in ITC Reference No. 1417/2004 is legal, proper and just? If not, to what relief the concerned workman is entitled to?”

1. The reference dates back to 13.05.2008. The second party submitted the statement of claim Ex. 4 on 31.07.2008 along with the documents vide list Ex. 7. The first party submitted the written statement Ex. 14 on 16.10.2008 along with the reply Ex. 12 to the interim relief application moved by the second party. Later the application for interim relief was later not pressed but the second party moved an application Ex. 19 for production of documents. Therefore, same was allowed and the case was fixed for evidence of the second party. On 16.03.2017 and 06.07.2017, twice last opportunities were given to the second party to lead evidence but the second party did not prefer to lead evidence today on 31.08.2017. The second party has also been absent since last number of dates.
2. Thus it appears that the second party is not willing to prosecute the case.
3. Thus the reference in the absence of the evidence of the second party, is finally disposed of with the observation as under: “the action of the management of ONGC Ltd., Baroda through its contractor M/s U.P. Purva Sainik Kalyan Nigam Ltd., Lucknow in terminating the services of Shri Shashikant Tukaram Malode, Ex-Security Guard w.e.f. 20.03.2006 without compliance of Section 33 (2) (b) of the Industrial Disputes Act,

1947 during the pendency of industrial dispute for regularisation of service of contract workmen before the CGIT, Ahmedabad in ITC Reference No. 1417/2004 is legal, proper and just.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 10 अक्टूबर, 2017

का.आ. 2437.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ. एन.जी.सी. लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 69/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09.10.2017 को प्राप्त हुआ था।

[सं. एल-30012/44/2007-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 10th October, 2017

S.O. 2437.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 69/2010) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. O.N.G.C. Ltd. and Others and their workmen, which was received by the Central Government on 09.10.2017.

[No. L-30012/44/2007-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present : Pramod Kumar Chaturvedi, Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 31st August, 2017

Reference: (CGITA) No- 69/2010

1. M/s. Guardwell Security Services,
217, Omkar Chambers,
Opp. Railway Station,
Surat (Gujarat)
2. The Executive Director – Basin Manager,
ONGC Ltd., Western Sector,
Makarpura Road,
Baroda (Gujarat) – 390009
3. The Manager/Security Officer,
UP Purva Sainik Kalyan Nigam Ltd.,
114/115, Vibhuti Khand Gomtinagar,
Lucknow (U.P.)
4. M/s. Trig Guard Force Ltd.,
Trig House, 10th Floor, JVPD Scheme,
Juhu, Mumbai
5. The Area Manager,
Flash Security and Intelligence Services,
96/1718, Samta Nagar, Kandivali (East),
Mumbai – 400101

...First Party

V/s

Shri Vijaykumar Bhailalbhai Patel,
Opp. Tarsali Talav, Tarsali,
Baroda (Gujarat)

...Second Party

For the First Party : Shri C.S. Naidu

For the Second Party : Shri J.I. Shah

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30012/44/2007-IR(M) dated 13.05.2008 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of ONGC Ltd., Baroda through its contractor M/s. U.P. Purva Sainik Kalyan Nigam Ltd., Lucknow in terminating the services of Shri Vijaykumar Bhailalbhai Patel, Ex-Security Guard w.e.f. 20.03.2006 without compliance of Section 33 (2) (b) of the Industrial Disputes Act, 1947 during the pendency of industrial dispute for regularisation of service of contract workmen before the CGIT, Ahmedabad in ITC Reference No. 1417/2004 is legal, proper and just? If not, to what relief the concerned workman is entitled to?”

1. The reference dates back to 13.05.2008. The second party submitted the statement of claim Ex. 4 on 31.07.2008 along with the documents vide list Ex. 7. The first party submitted the written statement Ex. 12 on 16.10.2008 along with the reply Ex. 14 to the interim relief application moved by the second party. Later the application for interim relief was later not pressed but the second party moved an application Ex. 19 for production of documents. Therefore, same was allowed and the case was fixed for evidence of the second party. On 16.03.2017 and 06.07.2017, twice last opportunities were given to the second party to lead evidence but the second party did not prefer to lead evidence today on 31.08.2017. The second party has also been absent since last number of dates.
2. Thus it appears that the second party is not willing to prosecute the case.
3. Thus the reference in the absence of the evidence of the second party, is finally disposed of with the observation as under: “the action of the management of ONGC Ltd., Baroda through its contractor M/s. U.P. Purva Sainik Kalyan Nigam Ltd., Lucknow in terminating the services of Shri Vijaykumar Bhailalbhai Patel, Ex-Security Guard w.e.f. 20.03.2006 without compliance of Section 33 (2) (b) of the Industrial Disputes Act, 1947 during the pendency of industrial dispute for regularisation of service of contract workmen before the CGIT, Ahmedabad in ITC Reference No. 1417/2004 is legal, proper and just.”

P.K. CHATURVEDI, Presiding Officer

नई दिल्ली, 10 अक्टूबर, 2017

का.आ. 2438.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ. एन.जी.सी. लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 70/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09.10.2017 को प्राप्त हुआ था।

[सं. एल-30012/36/2007-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 10th October, 2017

S.O. 2438.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 70/2010) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. O.N.G.C. Ltd. and Others and their workmen, which was received by the Central Government on 09.10.2017.

[No. L-30012/36/2007-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD**

Present : Pramod Kumar Chaturvedi, Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,

Dated 31st August, 2017

Reference: (CGITA) No- 70/2010

1. M/s. Guardwell Security Services,
217, Omkar Chambers,
Opp. Railway Station,
Surat (Gujarat)
2. The Executive Director – Basin Manager,
ONGC Ltd., Western Sector,
Makarpura Road,
Baroda (Gujarat) – 390009
3. The Manager/Security Officer,
UP Purva Sainik Kalyan Nigam Ltd.,
114/115, Vibhuti Khand Gomtinagar,
Lucknow (U.P.)
4. M/s. Trig Guard Force Ltd.,
Trig House, 10th Floor, JVPD Scheme,
Juhu, Mumbai
5. The Area Manager,
Flash Security and Intelligence Services,
96/1718, Samta Nagar, Kandivali (East),
Mumbai – 400101

...First Party

V/s

Shri Bhartkumar Bhulabhai Parmar,
A/18, R.K. Puram, Opp. Tarsali Talav, Tarsali,
Baroda (Gujarat)

...Second Party

For the First Party : Shri C.S. Naidu

For the Second Party : Shri J.I. Shah

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30012/36/2007-IR(M) dated 13.05.2008 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of ONGC Ltd., Baroda through its contractor M/s. U.P. Purva Sainik Kalyan Nigam Ltd., Lucknow in terminating the services of Shri Bhartkumar Bhulabhai Parmar, Ex-Security Guard w.e.f. 20.03.2006 without compliance of Section 33 (2) (b) of the Industrial Disputes Act, 1947 during the pendency of industrial dispute for regularisation of service of contract workmen before the CGIT, Ahmedabad in ITC Reference No. 1417/2004 is legal, proper and just? If not, to what relief the concerned workman is entitled to?”

1. The reference dates back to 13.05.2008. The second party submitted the statement of claim Ex. 4 on 31.07.2008 along with the documents vide list Ex. 7. The first party submitted the written statement Ex. 12 on 16.10.2008 along with the reply Ex. 14 to the interim relief application moved by the second party. Later the application for interim relief was later not pressed but the second party moved an application Ex. 19 for production of documents. Therefore, same was allowed and the case was fixed for evidence of the second party. On 16.03.2017 and 06.07.2017, twice last opportunities were given to the second party to lead evidence but the second party did not prefer to lead evidence today on 31.08.2017. The second party has also been absent since last number of dates.

2. Thus it appears that the second party is not willing to prosecute the case.
3. Thus the reference in the absence of the evidence of the second party, is finally disposed of with the observation as under: “the action of the management of ONGC Ltd., Baroda through its contractor M/s. U.P. Purva Sainik Kalyan Nigam Ltd., Lucknow in terminating the services of Shri Bharatkumar Bhulabhai Parmar, Ex-Security Guard w.e.f. 20.03.2006 without compliance of Section 33 (2) (b) of the Industrial Disputes Act, 1947 during the pendency of industrial dispute for regularisation of service of contract workmen before the CGIT, Ahmedabad in ITC Reference No. 1417/2004 is legal, proper and just.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 10 अक्टूबर, 2017

का.आ. 2439.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ. एन.जी.सी लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 71/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09.10.2017 को प्राप्त हुआ था।

[सं. एल-30012/41/2007-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 10th October, 2017

S.O. 2439.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 71/2010) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. O.N.G.C. Ltd. and Others and their workmen, which was received by the Central Government on 09.10.2017.

[No. L-30012/41/2007-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present : Pramod Kumar Chaturvedi, Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,

Dated 31st August, 2017

Reference: (CGITA) No- 71/2010

1. M/s. Guardwell Security Services,
217, Omkar Chambers,
Opp. Railway Station,
Surat (Gujarat)
2. The Executive Director – Basin Manager,
ONGC Ltd., Western Sector,
Makarpura Road,
Baroda (Gujarat) – 390009
3. The Manager/Security Officer,
UP Purva Sainik Kalyan Nigam Ltd.,
114/115, Vibhuti Khand Gomtinagar,
Lucknow (U.P.)
4. M/s. Trig Guard Force Ltd.,
Trig House, 10th Floor, JVPD Scheme,
Juhu, Mumbai
5. The Area Manager,
Flash Security and Intelligence Services,
96/1718, Samta Nagar, Kandivali (East),
Mumbai – 400101

...First Party

V/s

Shri Aslam Abdulkarim Qureshi,
Mehbobpura, Behind Temple,
Baroda (Gujarat)

...Second Party

For the First Party : Shri C.S. Naidu

For the Second Party : Shri J.I. Shah

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30012/41/2007-IR(M) dated 13.05.2008 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of ONGC Ltd., Baroda through its contractor M/s. U.P. Purva Sainik Kalyan Nigam Ltd., Lucknow in terminating the services of Shri Aslam Abdulkarim Qureshi, Ex-Security Guard w.e.f. 20.03.2006 without compliance of Section 33 (2) (b) of the Industrial Disputes Act, 1947 during the pendency of industrial dispute for regularisation of service of contract workmen before the CGIT, Ahmedabad in ITC Reference No. 1417/2004 is legal, proper and just? If not, to what relief the concerned workman is entitled to?”

1. The reference dates back to 13.05.2008. The second party submitted the statement of claim Ex. 4 on 31.07.2008 along with the documents vide list Ex. 7. The first party submitted the written statement Ex. 12 on 16.10.2008 along with the reply Ex. 14 to the interim relief application moved by the second party. Later the application for interim relief was later not pressed but the second party moved an application Ex. 19 for production of documents. Therefore, same was allowed and the case was fixed for evidence of the second party. On 16.03.2017 and 06.07.2017, twice last opportunities were given to the second party to lead evidence but the second party did not prefer to lead evidence today on 31.08.2017. The second party has also been absent since last number of dates.
2. Thus it appears that the second party is not willing to prosecute the case.
3. Thus the reference in the absence of the evidence of the second party, is finally disposed of with the observation as under: “the action of the management of ONGC Ltd., Baroda through its contractor M/s. U.P. Purva Sainik Kalyan Nigam Ltd., Lucknow in terminating the services of Shri Aslam Abdulkarim Qureshi, Ex-Security Guard w.e.f. 20.03.2006 without compliance of Section 33 (2) (b) of the Industrial Disputes Act, 1947 during the pendency of industrial dispute for regularisation of service of contract workmen before the CGIT, Ahmedabad in ITC Reference No. 1417/2004 is legal, proper and just.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 10 अक्टूबर, 2017

का.आ. 2440.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ. एन.जी.सी. लिमिटेड एवं अन्य के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 72/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09.10.2017 को प्राप्त हुआ था।

[सं. एल-30012/40/2007-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 10th October, 2017

S.O. 2440.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 72/2010) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. O.N.G.C. Ltd. and Others and their workmen, which was received by the Central Government on 09.10.2017.

[No. L-30012/40/2007-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD**

Present : Pramod Kumar Chaturvedi, Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 31st August, 2017

Reference: (CGITA) No- 72/2010

1. M/s. Guardwell Security Services,
217, Omkar Chambers,
Opp. Railway Station,
Surat (Gujarat)
2. The Executive Director – Basin Manager,
ONGC Ltd., Western Sector,
Makarpura Road,
Baroda (Gujarat) – 390009
3. The Manager/Security Officer,
UP Purva Sainik Kalyan Nigam Ltd.,
114/115, Vibhuti Khand Gomtinagar,
Lucknow (U.P.)
4. M/s. Trig Guard Force Ltd.,
Trig House, 10th Floor, JVPD Scheme,
Juhu, Mumbai
5. The Area Manager,
Flash Security and Intelligence Services,
96/1718, Samta Nagar, Kandivali (East),
Mumbai – 400101

...First Party

V/s

Shri Kanaksinh A. Jadav,
Danteshwar, Vachalia Falia, Pratapnagar,
Baroda (Gujarat)

... Second Party

For the First Party : Shri C.S. Naidu

For the Second Party : Shri J.I. Shah

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30012/40/2007-IR(M) dated 13.05.2008 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of ONGC Ltd., Baroda through its contractor M/s. U.P. Purva Sainik Kalyan Nigam Ltd., Lucknow in terminating the services of Shri Kanaksinh A. Jadav, Ex-Security Guard w.e.f. 20.03.2006 without compliance of Section 33 (2) (b) of the Industrial Disputes Act, 1947 during the pendency of industrial dispute for regularisation of service of contract workmen before the CGIT, Ahmedabad in ITC Reference No. 1417/2004 is legal, proper and just? If not, to what relief the concerned workman is entitled to?”

1. The reference dates back to 13.05.2008. The second party submitted the statement of claim Ex. 4 on 31.07.2008 along with the documents vide list Ex. 7. The first party submitted the written statement Ex. 12 on 16.10.2008 along with the reply Ex. 14 to the interim relief application moved by the second party. Later the application for interim relief was later not pressed but the second party moved an application Ex. 19 for production of documents. Therefore, same was allowed and the case was fixed for evidence of the second party. On 16.03.2017 and 06.07.2017, twice last opportunities were given to the second party to lead evidence but the second party did not prefer to lead evidence today on 31.08.2017. The second party has also been absent since last number of dates.

2. Thus it appears that the second party is not willing to prosecute the case.
3. Thus the reference in the absence of the evidence of the second party, is finally disposed of with the observation as under: “the action of the management of ONGC Ltd., Baroda through its contractor M/s. U.P. Purva Sainik Kalyan Nigam Ltd., Lucknow in terminating the services of Shri Kanaksinh A. Jadav, Ex-Security Guard w.e.f. 20.03.2006 without compliance of Section 33 (2) (b) of the Industrial Disputes Act, 1947 during the pendency of industrial dispute for regularisation of service of contract workmen before the CGIT, Ahmedabad in ITC Reference No. 1417/2004 is legal, proper and just.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 10 अक्टूबर, 2017

का.आ. 2441.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ. एन.जी.सी. लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 73/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09.10.2017 को प्राप्त हुआ था।

[सं. एल-30012/39/2007-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 10th October, 2017

S.O. 2441.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 73/2010) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. O.N.G.C. Ltd. and Others and their workmen, which was received by the Central Government on 09.10.2017.

[No. L-30012/39/2007-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present : Pramod Kumar Chaturvedi, Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 31st August, 2017

Reference: (CGITA) No. 73/2010

1. M/s. Guardwell Security Services,
217, Omkar Chambers,
Opp. Railway Station,
Surat (Gujarat)
2. The Executive Director – Basin Manager,
ONGC Ltd., Western Sector,
Makarpura Road,
Baroda (Gujarat) – 390009
3. The Manager/Security Officer,
UP Purva Sainik Kalyan Nigam Ltd.,
114/115, Vibhuti Khand Gomtinagar,
Lucknow (U.P.)
4. M/s. Trig Guard Force Ltd.,
Trig House, 10th Floor, JVPD Scheme,
Juhu, Mumbai
5. The Area Manager,
Flash Security and Intelligence Services,
96/1718, Samta Nagar, Kandivali (East),
Mumbai – 400101

...First Party

V/s

Shri Chatrasingh Shivabhai Parmar,
Nr. Temple Steel Company, Vishwamitri Road, Sona Tekri,
Baroda (Gujarat)

... Second Party

For the First Party : Shri C.S. Naidu

For the Second Party : Shri J.I. Shah

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30012/39/2007-IR(M) dated 13.05.2008 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of ONGC Ltd., Baroda through its contractor M/s U.P. Purva Sainik Kalyan Nigam Ltd., Lucknow in terminating the services of Shri Chatrasingh Shivabhai Parmar, Ex-Security Guard w.e.f. 20.03.2006 without compliance of Section 33 (2) (b) of the Industrial Disputes Act, 1947 during the pendency of industrial dispute for regularisation of service of contract workmen before the CGIT, Ahmedabad in ITC Reference No. 1417/2004 is legal, proper and just? If not, to what relief the concerned workman is entitled to?”

1. The reference dates back to 13.05.2008. The second party submitted the statement of claim Ex. 4 on 31.07.2008 along with the documents vide list Ex. 7. The first party submitted the written statement Ex. 12 on 16.10.2008 along with the reply Ex. 14 to the interim relief application moved by the second party. Later the application for interim relief was later not pressed but the second party moved an application Ex. 19 for production of documents. Therefore, same was allowed and the case was fixed for evidence of the second party. On 16.03.2017 and 06.07.2017, twice last opportunities were given to the second party to lead evidence but the second party did not prefer to lead evidence today on 31.08.2017. The second party has also been absent since last number of dates.
2. Thus it appears that the second party is not willing to prosecute the case.
3. Thus the reference in the absence of the evidence of the second party, is finally disposed of with the observation as under: “the action of the management of ONGC Ltd., Baroda through its contractor M/s U.P. Purva Sainik Kalyan Nigam Ltd., Lucknow in terminating the services of Shri Chatrasingh Shivabhai Parmar, Ex-Security Guard w.e.f. 20.03.2006 without compliance of Section 33 (2) (b) of the Industrial Disputes Act, 1947 during the pendency of industrial dispute for regularisation of service of contract workmen before the CGIT, Ahmedabad in ITC Reference No. 1417/2004 is legal, proper and just.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 10 अक्टूबर, 2017

का.आ. 2442.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ. एन.जी.सी. लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 74/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09.10.2017 को प्राप्त हुआ था।

[सं. एल-30012/38/2007-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 10th October, 2017

S.O. 2442.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 74/2010) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. O.N.G.C. Ltd. and Others and their workmen, which was received by the Central Government on 09.10.2017.

[No. L-30012/38/2007-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD**

Present : Pramod Kumar Chaturvedi, Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 31st August, 2017

Reference: (CGITA) No- 74/2010

1. M/s. Guardwell Security Services,
217, Omkar Chambers,
Opp. Railway Station,
Surat (Gujarat)
2. The Executive Director – Basin Manager,
ONGC Ltd., Western Sector,
Makarpura Road,
Baroda (Gujarat) – 390009
3. The Manager/Security Officer,
UP Purva Sainik Kalyan Nigam Ltd.,
114/115, Vibhuti Khand Gomtinagar,
Lucknow (U.P.)
4. M/s. Trig Guard Force Ltd.,
Trig House, 10th Floor, JVPD Scheme,
Juhu, Mumbai
5. The Area Manager,
Flash Security and Intelligence Services,
96/1718, Samta Nagar, Kandivali (East),
Mumbai – 400101

...First Party

V/s

Shri Pareshbhai Ambalal Patel,
A/26, R.K. Puram, Opp. Tarsali Talav, Tarsali,
Baroda (Gujarat)

...Second Party

For the First Party : Shri C.S. Naidu

For the Second Party : Shri J.I. Shah

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30012/38/2007-IR(M) dated 13.05.2008 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of ONGC Ltd., Baroda through its contractor M/s U.P. Purva Sainik Kalyan Nigam Ltd., Lucknow in terminating the services of Shri Pareshbhai Ambalal Patel, Ex-Security Guard w.e.f. 20.03.2006 without compliance of Section 33 (2) (b) of the Industrial Disputes Act, 1947 during the pendency of industrial dispute for regularisation of service of contract workmen before the CGIT, Ahmedabad in ITC Reference No. 1417/2004 is legal, proper and just? If not, to what relief the concerned workman is entitled to?”

1. The reference dates back to 13.05.2008. The second party submitted the statement of claim Ex. 4 on 31.07.2008 along with the documents vide list Ex. 7. The first party submitted the written statement Ex. 12 on 16.10.2008 along with the reply Ex. 14 to the interim relief application moved by the second party. Later the application for interim relief was later not pressed but the second party moved an application Ex. 19 for production of documents. Therefore, same was allowed and the case was fixed for evidence of the second party. On 16.03.2017 and 06.07.2017, twice last opportunities were given to the second party to lead evidence but the second party did not prefer to lead evidence today on 31.08.2017. The second party has also been absent since last number of dates.

2. Thus it appears that the second party is not willing to prosecute the case.
3. Thus the reference in the absence of the evidence of the second party, is finally disposed of with the observation as under: “the action of the management of ONGC Ltd., Baroda through its contractor M/s U.P. Purva Sainik Kalyan Nigam Ltd., Lucknow in terminating the services of Shri Pareshbhai Ambalal Patel, Ex-Security Guard w.e.f. 20.03.2006 without compliance of Section 33 (2) (b) of the Industrial Disputes Act, 1947 during the pendency of industrial dispute for regularisation of service of contract workmen before the CGIT, Ahmedabad in ITC Reference No. 1417/2004 is legal, proper and just.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 10 अक्टूबर, 2017

का.आ. 2443.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ. एन.जी.सी. लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 75/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09.10.2017 को प्राप्त हुआ था।

[सं. एल-30012/42/2007-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 10th October, 2017

S.O. 2443.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 75/2010) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. O.N.G.C. Ltd. and Others and their workmen, which was received by the Central Government on 09.10.2017.

[No. L-30012/42/2007-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, AHMEDABAD

Present : Pramod Kumar Chaturvedi, Presiding Officer, CGIT cum Labour Court,
Ahmedabad,
Dated 31st August, 2017

Reference: (CGITA) No- 75/2010

1. M/s. Guardwell Security Services,
217, Omkar Chambers,
Opp. Railway Station,
Surat (Gujarat)
2. The Executive Director – Basin Manager,
ONGC Ltd., Western Sector,
Makarpura Road,
Baroda (Gujarat) – 390009
3. The Manager/Security Officer,
UP Purva Sainik Kalyan Nigam Ltd.,
114/115, Vibhuti Khand Gomtinagar,
Lucknow (U.P.)
4. M/s. Trig Guard Force Ltd.,
Trig House, 10th Floor, JVPD Scheme,
Juhu, Mumbai
5. The Area Manager,
Flash Security and Intelligence Services,
96/1718, Samta Nagar, Kandivali (East),
Mumbai – 400101

...First Party

V/s

Shri Mansuri Kalubhai Noorbhai,
78, Rajivnagar, Tarsali,
Baroda (Gujarat)

... Second Party

For the First Party : Shri C.S. Naidu

For the Second Party : Shri J.I. Shah

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30012/42/2007-IR(M) dated 13.05.2008 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of ONGC Ltd., Baroda through its contractor M/s. U.P. Purva Sainik Kalyan Nigam Ltd., Lucknow in terminating the services of Shri Mansuri Kalubhai Noorbhai, Ex-Security Guard w.e.f. 20.03.2006 without compliance of Section 33 (2) (b) of the Industrial Disputes Act, 1947 during the pendency of industrial dispute for regularisation of service of contract workmen before the CGIT, Ahmedabad in ITC Reference No. 1417/2004 is legal, proper and just? If not, to what relief the concerned workman is entitled to?”

1. The reference dates back to 13.05.2008. The second party submitted the statement of claim Ex. 4 on 31.07.2008 along with the documents vide list Ex. 7. The first party submitted the written statement Ex. 12 on 16.10.2008 along with the reply Ex. 14 to the interim relief application moved by the second party. Later the application for interim relief was later not pressed but the second party moved an application Ex. 19 for production of documents. Therefore, same was allowed and the case was fixed for evidence of the second party. On 16.03.2017 and 06.07.2017, twice last opportunities were given to the second party to lead evidence but the second party did not prefer to lead evidence today on 31.08.2017. The second party has also been absent since last number of dates.
2. Thus it appears that the second party is not willing to prosecute the case.
3. Thus the reference in the absence of the evidence of the second party, is finally disposed of with the observation as under: “the action of the management of ONGC Ltd., Baroda through its contractor M/s. U.P. Purva Sainik Kalyan Nigam Ltd., Lucknow in terminating the services of Shri Mansuri Kalubhai Noorbhai, Ex-Security Guard w.e.f. 20.03.2006 without compliance of Section 33 (2) (b) of the Industrial Disputes Act, 1947 during the pendency of industrial dispute for regularisation of service of contract workmen before the CGIT, Ahmedabad in ITC Reference No. 1417/2004 is legal, proper and just.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 10 अक्टूबर, 2017

का.आ. 2444.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ. एन.जी.सी. लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 76/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09.10.2017 को प्राप्त हुआ था।

[सं. एल-30012/37/2007-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 10th October, 2017

S.O. 2444.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 76/2010) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. O.N.G.C. Ltd. and Others and their workmen, which was received by the Central Government on 09.10.2017.

[No. L-30012/37/2007-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD**

Present : Pramod Kumar Chaturvedi, Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 31st August, 2017

Reference: (CGITA) No. 76/2010

1. M/s. Guardwell Security Services,
217, Omkar Chambers,
Opp. Railway Station,
Surat (Gujarat)
2. The Executive Director – Basin Manager,
ONGC Ltd., Western Sector,
Makarpura Road,
Baroda (Gujarat) – 390009
3. The Manager/Security Officer,
UP Purva Sainik Kalyan Nigam Ltd.,
114/115, Vibhuti Khand Gomtinagar,
Lucknow (U.P.)
4. M/s. Trig Guard Force Ltd.,
Trig House, 10th Floor, JVPD Scheme,
Juhu, Mumbai
5. The Area Manager,
Flash Security and Intelligence Services,
96/1718, Samta Nagar, Kandivali (East),
Mumbai – 400101

...First Party

V/s

Shri Sureshbhai Mansinghbhai Parmar,
C-44, Priya Darshini, Makarpura Road,
Baroda (Gujarat)

... Second Party

For the First Party : Shri C.S. Naidu
For the Second Party : Shri J.I. Shah

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30012/37/2007-IR(M) dated 13.05.2008 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of ONGC Ltd., Baroda through its contractor M/s. U.P. Purva Sainik Kalyan Nigam Ltd., Lucknow in terminating the services of Shri Sureshbhai Mansinghbhai Parmar, Ex-Security Guard w.e.f. 20.03.2006 without compliance of Section 33 (2) (b) of the Industrial Disputes Act, 1947 during the pendency of industrial dispute for regularisation of service of contract workmen before the CGIT, Ahmedabad in ITC Reference No. 1417/2004 is legal, proper and just? If not, to what relief the concerned workman is entitled to?”

1. The reference dates back to 13.05.2008. The second party submitted the statement of claim Ex. 4 on 31.07.2008 along with the documents vide list Ex. 7. The first party submitted the written statement Ex. 12 on 16.10.2008 along with the reply Ex. 14 to the interim relief application moved by the second party. Later the application for interim relief was later not pressed but the second party moved an application Ex. 19 for production of documents. Therefore, same was allowed and the case was fixed for evidence of the second party. On 16.03.2017 and 06.07.2017, twice last opportunities were given to the second party to lead evidence but the second party did not prefer to lead evidence today on 31.08.2017. The second party has also been absent since last number of dates.
2. Thus it appears that the second party is not willing to prosecute the case.

3. Thus the reference in the absence of the evidence of the second party, is finally disposed of with the observation as under: “the action of the management of ONGC Ltd., Baroda through its contractor M/s U.P. Purva Sainik Kalyan Nigam Ltd., Lucknow in terminating the services of Shri Sureshbhai Mansinghbhai Parmar, Ex-Security Guard w.e.f. 20.03.2006 without compliance of Section 33 (2) (b) of the Industrial Disputes Act, 1947 during the pendency of industrial dispute for regularisation of service of contract workmen before the CGIT, Ahmedabad in ITC Reference No. 1417/2004 is legal, proper and just.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 10 अक्टूबर, 2017

का.आ. 2445.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ. एन.जी.सी. लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 110/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09.10.2017 को प्राप्त हुआ था।

[सं. एल-30011/10/2013-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 10th October, 2017

S.O. 2445.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 110/2013) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. O.N.G.C. Ltd. and Others and their workmen, which was received by the Central Government on 09.10.2017.

[No. L-30011/10/2013-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present : Pramod Kumar Chaturvedi, Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 31st August, 2017

Reference: (CGITA) No. 110/2013

1. The Security Manager (I/C),
ONGC Ltd., Avani Bhavan,
Chandkheda, Ahmedabad (Gujarat)
2. The Dy. General Manager (HR),
ONGC Ltd., Avani Bhavan,
Chandkheda, Ahmedabad (Gujarat)
3. M/s. Vishwambi Security Agency Pvt. Ltd.,
406, MV House, Opp. Hathising Wadi,
Nr. Swamy Narayan Chawk, Shahibaug,
Ahmedabad (Gujarat)

... First Party

V/s

The President,
Glorious Petroleum Mazdoor Sangh,
A-3, Priya Darshani Society,
Nr. New Railway Colony, Sabarmati,
Ahmedabad (Gujarat) – 380019

...Second Party

For the First Party No. 1 : Shri K.V. Gadhia

For the First Party No. 3 : Shri Chetan R. Vyas

For the Second Party : Shri R.S. Sisodia (Union Representative)

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30011/10/2013-IR(M) dated 22.05.2013 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of the President, Glorious Petroleum Mazdoor Sangh, Ahmedabad for regularisation of the workman Shri Kanji Sagarbhai Desai, Security Guard is legal, fair and justified? What relief the workman is entitled to?”

1. The reference dates back to 22.05.2013. The reference was fixed for submitting statement of claim and written statement by both the parties but today on 31.08.2017, the second party's representative Shri R.S. Sisodia did not press the reference.
2. Hence the reference is finally disposed of as not pressed.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 10 अक्टूबर, 2017

का.आ. 2446.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ. एन.जी.सी. लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 140/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09.10.2017 को प्राप्त हुआ था।

[सं. एल-30011/29/2013-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 10th October, 2017

S.O. 2446.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 140/2013) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. O.N.G.C. Ltd. and their workmen, which was received by the Central Government on 09.10.2017.

[No. L-30011/29/2013-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD**

Present : Pramod Kumar Chaturvedi, Presiding Officer, CGIT cum Labour Court,
Ahmedabad,
Dated 23rd August, 2017

Reference: (CGITA) No. 140/2013

The Executive Director,
ONGC Ltd., IRS, Chamdrekha,
Avani Bhawan,
Ahmedabad (Gujarat)

...First Party

V/s

The President,
Glorious Petroleum Mazdoor Sangh,
28/B, Narain Park, B/h Chandkheda Railway Station,
Sabarmati,
Ahmedabad (Gujarat) – 380007

...Second Party

For the First Party : Shri K.V. Gadhia

For the Second Party : Shri R.S. Sisodia

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30011/29/2013-IR(M) dated 26.07.2013 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of the President, Glorious Petroleum Mazdoor Sangh, Ahmedabad for (i) regularization of workmen Shri Mahesh Parikh and 21 others, (list enclosed) and (ii) change of category of workmen after change of every contractor, are legal and justified? If so, what relief the workmen are entitled to?”

1. The reference dates back to 26.07.2013. Both the parties submitted their respective statement of claim Ex. 4 and written statement Ex. 6 but despite giving number of dates to the second party, no evidence was lead by the second party workman and on 23.08.2017, Shri R.S. Sisodia, President, Glorious Petroleum Mazdoor Sangh stated that he does not want to prosecute the reference.
2. Thus the reference is disposed of as not pressed.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 10 अक्टूबर, 2017

का.आ. 2447.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डाक और आरएमएस कर्मचारी सहकारी बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-II, चंडीगढ़ के पंचाट (संदर्भ संख्या 279/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.10.2017 को प्राप्त हुआ था।

[सं. एल-12025/01/2017-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 10th October, 2017

S.O. 2447.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 279/2012) of the Central Government Industrial Tribunal/Labour Court-II, Chandigarh as shown in the Annexure, in the Industrial Dispute between the management of The Postal and RMS Employees Cooperative Bank and their workmen, received by the Central Government on 10.10.2017.

[No. L-12025/01/2017-IR (B-1)]

B. S. BISHT, Section Officer

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH.**

Present : Sri Kewal Krishan, Presiding Officer

LCA No.279/2012

Registered on 19.09.2012

Sh. Subhash Chand S/o Sh. Hans Raj,

Village Kardhan, PO Industrial Area, Ambala Cantt.

... Petitioner

Versus

1. The Senior Manager, The Postal and RMS Employees Cooperative Bank Ltd.6070/10-14, Idgah Road, Ambala Cantt.

...Respondent

APPEARANCES

For the workman : Sh. R.P. Mehra, Adv.

For the Management : Sh. Subhash Karkara, Adv.

AWARD

Passed on: 06.04.2017

Sh. Subhash Chand has filed this application under Section 33(C)(2) of the Industrial Disputes Act, 1947 (hereinafter called the 'Act'), pleading that he was employed as Group 'D' employee on 22.07.1987 by the respondent-management and his services were retrenched. He was reinstated in service w.e.f. 14.03.1989 by the order of Tribunal. He was directed to perform duties of Daftri vide reference No.PR.B 2629 dated 11.07.2005(Annexure ID-1) and he rendered the service till 2008. As per Rule 14(C) of the Service Rules, if an employee work on higher post for a period of more than 90 days, he may be promoted to that cadre. That he worked on the post of Daftri for more two years and he is to be absorbed against the Post of Daftri. He has raised the dispute for absorbing him in service as Daftri.

Respondent-management filed written statement, controverting the averments and further pleaded that the application under Section 33(C)(2) of the Industrial disputes Act, 1947 is not maintainable and this is also barred by limitation and the workman was never discharged from the service.

Parties were given opportunity to lead evidence.

In support of his case, Sh. Subhash Chand, workman has appeared in the witness-box and filed his affidavit reiterating the stand as taken in the claim petition.

On the other hand, Sh. Ashwani Aggarwal was examined by the respondent-management.

It was vehemently argued by Sh. Mehra that the workman worked as Daftri for more than two years and as per Service Rules, he is to be absorbed as such in the service and he is entitled for the relief claimed. It is not disputed that the workman is still in service. Section 2-A of the Industrial disputes Act, 1947 read as follow:-

“(00) “retrenchment” means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include-

(a) voluntary retirement of the workman; or superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or

[(bb) termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein; or]

(c) termination of the service of a workman on the ground of continued ill-health;]”

Thus, Section 2-A is applicable only when the employer discharges, dismisses, retrenches or terminates the service of the workman and a procedure has been prescribed for such a dispute under the Act. The workman has neither been discharged or dismissed from service, nor the present dispute has been raised as per the provisions of the Law.

Being so, the present application is not maintainable and the same is dismissed.

KEWAL KRISHAN, Presiding Officer,

नई दिल्ली, 10 अक्टूबर, 2017

का.आ. 2448.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डाक और आरएमएस कर्मचारी सहकारी बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-II, चंडीगढ़ के पंचाट (संदर्भ संख्या 280/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.10.2017 को प्राप्त हुआ था।

[सं. एल-12025/01/2017-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 10th October, 2017

S.O. 2448.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 280/2012) of the Central Government Industrial Tribunal/Labour Court-II, Chandigarh as shown in the Annexure, in the Industrial Dispute between the management of The Postal and RMS Employees Cooperative Bank and their workmen, received by the Central Government on 10.10.2017.

[No. L-12025/01/2017-IR (B-1)]

B. S. BISHT, Section Officer

ANNEXURE
IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH

Present: Sri Kewal Krishan, Presiding Officer

LCA No.280/2012

Registered on 19.09.2012

Sh. Subhash Chand S/o Sh. Hans Raj,

Village Kardhan, PO Industrial Area, Ambala Cantt.

... Petitioner

Versus

1. The Senior Manager, The Postal and
 RMS Employees Cooperative Bank Ltd.6070/10-14,
 Idgah Road, Ambala Cantt.

...Respondent

APPEARANCES

For the workman : Sh. R.P. Mehra, Adv.

For the Management : Sh. Subhash Karkara, Adv.

AWARD

Passed on: 06.04.2017

Sh. Subhash Chand has filed this application under Section 33(C)(2) of the Industrial Disputes Act, 1947 (hereinafter called the 'Act'), on the averments that he was appointed by the respondent-bank on 22.07.1987 and his services were retrenched on 14.11.1988 and he was reinstated only on the orders of Industrial Tribunal. That his pay was fixed in the scale of Rs.950-1110-1200 vide order dated 27.3.1996 which is as follow:—

1/3/1990	970/-
1.3.1991	990/-
1.3.1992	1010/-
1.3.1992	1030/-
1/3/1993	1050/-
1.3.1994	1070/-

However, he was entitled to increment w.e.f. 1.7.1988 as he joined the service on 22.7.1987 and he is entitled to the following pay:-

1/7/1988	970/-
1/7/1989	990/-
1/7/1990	1010/-
1/7/1991	1030/-
1/7/1992	1050/-
1/7/1993	1070/-
1/7/1994	1090/-
1/7/1995	1110/-
1/7/1996	In 3050-80-4650 and so on and so forth

That his pay be fixed and the arrears be paid to him along with interest.

Respondent-management filed written reply, controverting the averments and pleaded that the workman has no existing right and therefore, this application is not maintainable. It is further pleaded that the applicant has filed this application at a very belated stage and therefore no relief can be given to the applicant.

Parties were given opportunities to lead their evidence.

In support of his case, Sh. Subhash Chand, workman has appeared in the witness-box and filed his affidavit, reiterating the stand taken in the claim statement.

On the other hand, respondent-management has examined Sh. Ashwani Aggarwal, who filed his affidavit supporting the stand taken by the respondent-management.

I have heard Sh. R.P. Mehra for the workman and Sh. Subhash Karkara for the management and perused the file.

It is not disputed that the workman was appointed on daily wage basis at the rate of Rs.20/- per day as is clear from the copy of the order Exb.M-1. His services were dispensed with and he was reinstated w.e.f. 7.8.1990 in the pay-scale of Rs.950-1110-1200. However, one person junior to him was appointed on regular basis w.e.f. 14.3.1989 and accordingly the authority fixed the seniority of the workman vide order dated 27.3.1996 which reproduced as follow:-

“Shri Subhash Chandm Peon was reinstated in the service of the Bank w.e.f. 7.8.1990 vide memo No.G-477/7230 dated 26.11.1990. He was also allowed benefit of back wages and continuity of service(seniority)w.e.f. the date of removal to the date of reinstatement as per settlement between the parties. He was also paid Rs.17,000/- in lieu of his back wages etc. and nothing was due against the management for the service upto 7.8.1990.

Shri Ravi Kant was also working in the bank on daily wages and was junior to Shri Subhash Chand. He was appointed as Chowkidar w.e.f. 14.3.1989. Had Sh. Subhash Chand worked in the bank he would have been confirmed on the day Sh. Ravi Kant was appointed on regular basis w.e.f. 14.3.1989.

I, therefore, fix the seniority of Shri Subhash Chand, Peon w.e.f. 14.3.1989. He will rank senior to Shri Ravi Kant and his pay is brought at par with Sh. Ravi Kant, Peon as under:-

1.3.1990	Rs.970-00
1.3.1991	Rs.990-00
1.3.1992	Rs.1010-00
1.3.1993	Rs.1030-00
1.3.1994	Rs.1050-00
1.3.1995	Rs.1070-00

Thus, it is clear that the workman was reinstated in service and was granted regular pay-scale when he was reinstated in service in February 1990. He cannot claim increment for the period he worked on daily wages at the rate of Rs.20/- per day. Thus, he is not entitled to increment w.e.f. 1.7.1988. It may also be added that pay was fixed in the year 1996 and he has agitated the matter for the first time by filing the present application in September 2012 and on that account also he cannot be given the relief as claimed which otherwise is not admissible to him.

In result, there is no merit in the application and the same is dismissed.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 10 अक्टूबर, 2017

का.आ. 2449.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डाक और आरएमएस कर्मचारी सहकारी बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-II चंडीगढ़ के पंचाट (संदर्भ संख्या 271/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.10.2017 को प्राप्त हुआ था।

[सं. एल-12025/01/2017-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 10th October, 2017

S.O. 2449.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 271/2012) of the Central Government Industrial Tribunal/Labour Court-II, Chandigarh as shown in the Annexure, in the Industrial Dispute between the management of The Postal and RMS Employees Cooperative Bank and their workmen, received by the Central Government on 10.10.2017.

[No. L-12025/01/2017-IR (B-1)]

B. S. BISHT, Section Officer

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH****Present:** Sri Kewal Krishan, Presiding Officer

LCA No.271/2012

Registered on 25.04.2012

Sh. Subhash Chand Group 'D' Employee in the services of
The Postal and RMS Employees Cooperative Bank Ltd. 6070/10-14,
Idgah Road, Ambala Cantt.,
R/o Village Kardhan PC Industrial Area Ambala.

... Petitioner

Versus

1. The Senior Manager, The Postal and RMS Employees Cooperative Bank Ltd. 6070/10-14, Idgah Road, Ambala Cantt.
2. The Chairman, The Postal and
RMS Employees Cooperative Bank Ltd. 6070/10-14,
Idgah Road, Ambala Cantt.

... Respondents

APPEARANCES

For the workman : Sh. R.P. Mehra, Adv.
For the Management : Sh. Subhash Karkara, Adv.

AWARD**Passed on: 06.04.2017**

Sh. Subhash Chand has filed this application under Section 33(C)(2) of the Industrial Disputes Act, 1947 (hereinafter called the 'Act'), claiming arrears of pay and allowance along with interest w.e.f. 22.07.2002; pleading that he was employed as Group 'D' employee on 22.07.1987 on daily wages and was confirmed on 14.11.1988. However, his services were retrenched and he was reinstated as Peon w.e.f. 07.08.1990.

According to the workman, Rule 14 of the Staff Service Rules 2003 provides for stagnation grade which is to be given on completion of 15 years of service if failed to get promotion. That he has completed 15 years of service on 21.07.2002 and as such he is entitled to stagnation grade from that date along with interest @ 12% per annum.

Respondent-management filed written reply, controverting the averments and pleaded that the workman has no existing right and therefore, this application is not maintainable. It is further pleaded that the applicant has filed this application at a very belated stage and therefore no relief can be given to the applicant.

Parties were given opportunities to lead their evidence.

In support of his case, Sh. Subhash Chand, workman has appeared in the witness-box and filed his affidavit, reiterating the stand taken in the claim statement.

On the other hand, respondent-management has examined Sh. Ashwani Aggarwal, who filed his affidavit supporting the stand taken by the respondent-management.

I have heard Sh. R.P. Mehra for the workman and Sh. Subhash Karkara for the management and perused the file.

The admitted facts are that the workman was appointed as part time worker on daily wages at the rate of Rs.20/- per day w.e.f. 22.07.1987. However his services were dispensed with and he was reinstated w.e.f. 7.8.1990 and was paid back wages as per settlement order dated 28.11.1990(Exb.M2). The seniority was fixed as Peon w.e.f.

14.3.1989 vide order dated 27.3.1996(M-3). There is an admitted statement of Sh. Ashwani Aggarwal that the workman was granted stagnation grade on completion of 15 years of service w.e.f. 14.03.2004. The workman again admitted the fact during cross-examination that stagnation grade was given by counting the service from the year 1989.

Thus, the workman was working on daily wages basis and was regularized w.e.f. 14.3.1989 as per order dated 27.3.1979(Ex.M-3) and as per the statement of Sh. Ashwani Aggarwal, he has been given stagnation grade w.e.f. 14.3.2004 and his statement remain unrebutted on the file. Thus, the stagnation grade has been duly given to the workman and he cannot claim the stagnation grade w.e.f. 22.7.2002.

In result, there is no merit in the application and the same be dismissed.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 10 अक्टूबर, 2017

का.आ. 2450.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डाक और आरएमएस कर्मचारी सहकारी बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-II चंडीगढ़ के पंचाट (संदर्भ संख्या 278/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.10.2017 को प्राप्त हुआ था।

[सं. एल-12025/01/2017-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 10th October, 2017

S.O. 2450.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 278/2012) of the Central Government Industrial Tribunal/Labour Court-II, Chandigarh as shown in the Annexure, in the Industrial Dispute between the management of The Postal and RMS Employees Cooperative Bank and their workmen, received by the Central Government on 10.10.2017.

[No. L-12025/01/2017-IR (B-1)]

B. S. BISHT, Section Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Present: Sri Kewal Krishan, Presiding Officer

LCA No.278/2012

Registered on 19.09.2012

Sh. Subhash Chand S/o Sh. Hans Raj, Village Kardhan,

PO Industrial Area, Ambala Cantt.

... Petitioner

Versus

1. The Senior Manager, The Postal and
RMS Employees Cooperative Bank Ltd. 6070/10-14,
Idgah Road, Ambala Cantt.

...Respondent

APPEARANCES

For the workman : Sh. R.P. Mehra, Adv.

For the Management : Sh. Subhash Karkara, Adv.

AWARD

Passed on: 06.04.2017

Sh. Subhash Chand has filed this application under Section 33(C)(2) of the Industrial Disputes Act, 1947 (hereinafter called the 'Act'), on the averments that he joined the respondent-management on 22.07.1987 and was retrenched but was reinstated only on the orders of the Industrial Tribunal. That as per MACP Rules, an employee is entitled to financial upgradation for 10/20/30 years of service and since he was appointed on 22.07.1987, he is entitled to get his pay notionally fixed w.e.f. 22.7.2007 when he completed 20 years of service but claimed the arrears w.e.f. 1.9.2011. Accordingly his pay be fixed and the arrears be paid to him along with interest at the rate of 12% per annum.

Respondent-management filed written reply, controverting the averments and pleaded that financial upgradation was given to the workman and nothing has due. It is further pleaded that since there is no existing right vesting the workman, the present application is not maintainable.

Parties were given opportunity to lead evidence.

In support of his case Sh. Subhash Chand, workman has appeared in the witness-box and filed his affidavit, reiterating the stand as taken in the claim statement.

On the other hand, respondent-management has examined Sh. Ashwani Aggarwal, who filed his affidavit and further pleaded that the workman was entitled to financial upgradation on completion of 20 years of service and the same was given to him w.e.f. 14.03.2009.

I have heard Sh. R.P. Mehra for the workman and Sh. Subhash Karkara for the management and perused the filed.

The respondent-management framed rules and regulations for financial upgradation of its regular staff and these rules are called Financial Upgradation Rules, 2011 and Rule 2-A read as follow:-

“(a) An employee who has completed 10 years of service will be eligible for the First Financial Up gradation only if he has not any type of statutory promotion during the said period.

(b) An employee who has completed 20 years of service will be eligible for Second Financial Up gradation only if he has not got two statutory promotions.”

Thus, the workman is entitled to Second Financial Up gradation on completion of 20 years of service.

It is not disputed that the workman was appointed on daily wage basis at the rate of Rs.20/- per day w.e.f. 22.7.1987 as is clear from the order Exb.M-1. It is also not disputed that he was retrenched from service and he was reinstated as Peon w.e.f. 7.8.1990 in the pay-scale of Rs.950-1235 on the basis of settlement arrived at between the parties as is clear from the copy of the order Exb.M2. However, the authorities found that one Ravi Kant, who was junior to the workman was confirmed in service and as such, his seniority was fixed w.e.f. 14.03.2009 vide order dated 27.3.1996(Exb.M-3) and the entire order is reproduced as follow:-

“Shri Subhash Chandm Peon was reinstated in the service of the Bank w.e.f. 7.8.1990 vide memo No. G-477/7230 dated 26.11.1990. He was also allowed benefit of back wages and continuity of service(seniority)w.e.f. the date of removal to the date of reinstatement as per settlement between the parties. He was also paid Rs.17,000/- in lieu of his back wages etc. and nothing was due against the management for the service upto 7.8.1990.

Shri Ravi Kand was also working in the bank on daily wages and was junior to Shri Subhash Chand. He was appointed as Chowkidar w.e.f. 14.3.1989. Had Sh. Subhash Chand worked in the bank he would have been confirmed on the day Sh. Ravi Kant was appointed on regular basis w.e.f. 14.3.1989.

I, therefore, fix the seniority of Shri Subhash Chand, Peon w.e.f. 14.3.1989. He will rank senior to Shri Ravi Kant and his pay is brought at par with Sh. Ravi Kant, Peon as under:-

<i>1.3.1990</i>	<i>Rs.970-00</i>
<i>1.3.1991</i>	<i>Rs.990-00</i>
<i>1.3.1992</i>	<i>Rs.1010-00</i>
<i>1.3.1993</i>	<i>Rs.1030-00</i>
<i>1.3.1994</i>	<i>Rs.1050-00</i>
<i>1.3.1995</i>	<i>Rs.1070-00</i>

Thus, the services of the workman were regularized w.e.f. 14.3.1989. When calculated, he rendered 20 years of service on 14.3.2009 and there is a statement of Sh. Ashwani Aggarwal that workman was given 2nd time Financial Up gradation from the said date. He was not cross-examined regarding in this respect. It is to be taken that the workman was given 2nd Time Up gradation from the due date i.e. 14.3.2009.

In the circumstances, the workman cannot claim any arrears of pay etc. as pleaded by him and the application being without merit is dismissed.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 11 अक्टूबर, 2017

का.आ. 2451.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सचिव व प्रमुख (सामान्य प्रशासन), राष्ट्रीय डिजाइन संस्थान, अहमदाबाद, गुजरात एवं उनके कर्मचारी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 88/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09.10.2017 को प्राप्त हुआ था।

[सं. एल-42011/84/2014-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 11th October, 2017

S.O. 2451.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (CGITA No. 88/2014) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad as shown in Annexure, in the Industrial Dispute between the employees in relation to the Secretary and Head (General Administrative), National Institute of Design, Ahmedabad, Gujarat and their workman, which received by the Central Government on 09.10.2017.

[No. L-42011/84/2014-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present : Pramod Kumar Chaturvedi, Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 04th September, 2017

Reference: (CGITA) No. 88/2014

The Secretary and Head (General Administrative),
National Institute of Design,
Near Deewan Ballubhai School, Paldi,
Ahmedabad (Gujarat)

... First Party

V/s

The General Secretary,
Gujarat Kamdar Mandal,
402/403, Shilp-II, Near Sales India, Income Tax,
Ashram Road,
Ahmedabad (Gujarat)

... Second Party

For the First Party : Shri Bhadrash K. Soneji

For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-42011/84/2014-IR(DU) dated 14.10.2014 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of National Institute of Design, Ahmedabad removing the services of Shri Bhanubhai S. Vaghela from service w.e.f. 12.11.2013 by way of compulsory retirement is legal, proper and just? If not, to what relief the workman Shri Bhanubhai S. Vaghela is entitled to?”

1. The reference dates back to 14.10.2014. The second party submitted the statement of claim Ex. 2 alleging that the workman Bhanubhai S. Vaghela was working faithfully and honestly with the first party organisation since 1978. He has been leader of the Employees' Union, therefore, was not liked by the first party. Every employee is given promotion on completing the 5 years of services, he requested the same but he was not promoted. Performance and Evaluation Committee appreciated his working instead of promotion to him. He was designated as Guardner which he objected but to no result and on 12.11.2013, he was removed from service by way of compulsory retirement which was illegal, improper and unjustified.
2. The first party National Institute of Design moved an application Ex. 7 raising preliminary objections regarding the maintainability of the reference on the ground that National Institute of Design was created by way of National Institute of Design Act, 2014 enacted by the Parliament. The Section 32 of the aforesaid statute provides as under:
 - "i. Any dispute arising out of a contract between the Institute and any of its employees shall, at the request of the employee concerned or at the instance of the Institute, be referred to an Arbitral Tribunal consisting of one member appointed by the Institute, one member nominated by the employee and an umpire appointed by the Visitor.
 - ii. The decision of the Arbitral Tribunal shall be final and shall not be questioned in any court.
 - iii. No suit or proceeding shall lie in any court in respect of any matter which is required by sub-section (i) to be referred to the Arbitral Tribunal.
 - iv. The Arbitral Tribunal shall have power to regulate its own procedure.
 - v. Nothing in any law for the time being in force relating to arbitration shall apply to arbitration under this section.
3. The workman despite service did not prefer to submit the reply despite giving number of opportunities. Thus in the light of the provisions of the Section 32 of the aforesaid act, the reference is not maintainable.
3. Therefore, the reference is disposed of as not maintainable.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 अक्टूबर, 2017

का.आ. 2452.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार अधीक्षक रेलवे मेल सेवा, राजकोट डिवीजन, राजकोट व अन्य एवं उनके कर्मचारी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 977/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09.10.2017 को प्राप्त हुआ था।

[सं. एल-40012/124/93-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 11th October, 2017

S.O. 2452.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (CGITA No. 977/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad as shown in the Annexure, in the Industrial Dispute between the employees in relation to the Superintendent of Railway mail Service, Rajkot Division, Rajkot and others and their workman, which received by the Central Government on 09.10.2017.

[No. L-40012/124/93-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present : Pramod Kumar Chaturvedi, Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 01st September, 2017

Reference: (CGITA) No. 977/2004

1. The Supdt. of Railway Mail Service,
Rajkot Division,
Rajkot – 360001

2. The Head Record Officer,
Head Record Office,
Rajkot – 360001

...First Party

V/s

The General Secretary,
Association of Railway and Post Employees,
F/2, Allap Flats, Opp. Anjalee Cinema, Vasna Road,
Ahmedabad (Gujarat) – 380007

...Second Party

For the First Party : Shri P.M. Rami

For the Second Party : Shri R.C. Pathak

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-40012/124/93-IR(DU) dated 17/29.11.1994 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of the Association of Railway and Post Employees, Ahmedabad to regularise Smt. Bhartiben Sureshkumar Buddhbhatti, Water Woman working at the office of the Head Record Office, Rajkot for 8 ½ hours per day w.e.f. 07.05.1983 to 19.06.1987 and thereafter for 5 hours per day justified and legally? If so to what benefits the employees is entitled for?”

1. The reference dates back to 17/29.11.1994. After service of the notice on the parties, the second party submitted the statement of claim Ex. 2 alleging that the second party work-woman was initially engaged as a Water Woman w.e.f. the year 1980 by the first party management for working 2 hours a day. Thereafter she was assigned the work for 5 hours a day and 8 ½ hour per day w.e.f. 01.05.1983. Thus the work-woman namely Bhartiben Sureshkumar Buddhbhatti had been performing her duties for 8 ½ hours per day till 19.06.1987, thereafter, suddenly the first party management realised that providing 8 ½ hours work a day will entitle her for absorption as well as regularisation on moving an application by the work-woman. Therefore, the first party management reduced her working hours from 8 ½ hours to 5 hours. It has been further alleged that as Bhartiben Sureshkumar Buddhbhatti performed the aforesaid working hours on a clear vacant post, therefore, she was entitled to be regularised as per the department rules. Despite making number of submissions, the first party management did not pay any heed to her demand, therefore, the dispute was raised.
2. The first party in his written statement denied the averments made in the statement of claim and submitted as under:

“Smt. Bhartiben was appointed for 2 hours vide HRO Memo No. J.21/PT/HRO/81.82 dated 28.12.1981 as part-time water carrier of HRO Rajkot w.e.f. 01.12.1981 on purely temporary basis. The working hours of this post extended for 3 ½ hours w.e.f. 16.05.1983 vide SRM’RJ’DN. Memo No. E.3/PT/81.82 dated 04.05.1983. There were two post of part time water carrier, one post of 3 ½ hours from 08:30 to 12:00 hours and second post of 13:00 to 18:00 hours. Smt. Bhartiben was appointed in first post from 08:30 to 12:00 hours and Smt. Madhuben was appointed from 13:00 to 18:00 hours on second post but Smt. Madhuben part time sweeper-cum-water carrier was failed to attend her duty from May 1983 to June 1985 and Smt. Bhartiben was ordered to look after the work of Smt. Madhuben and extra enumeration was paid to her for addition duty. Thus, she was working for $(3\frac{1}{2} + 5) = 8\frac{1}{2}$ hours daily during the period for this work, she got payment on two vouchers as there are two separate post with different nature of work.

Smt. Bhartiben was appointed as part time sweepers-cum-water carrier vide HRO Rajkot Memo No. J.21/PT/HRO/85.86 dated 21.06.1985 on purely temporary basis for five hours (13:00 to 18:00 hours) and Smt. Jayaben Devraj Buddhbhatti (Mother in law of Smt. Bhartiben) appointed as part time water carrier from 08:30 to 12:00 hours in HRO Rajkot vide HRO Rajkot Memo No. J.21/PT/HRO/II/85.86 1447 dated 10.07.1985 with a view to give more wages to senior P/T i.e. Smt. Bhartiben and on absence of Smt. Madhuben.

On filling up the post of 3 ½ hours by her mother in law as part time water carrier and Smt. Bhartiben was appointed on 5 hours post from 3 ½ hours, the said work and as such she was asked to carry out her regular work of 5 hours for which she is appointed w.e.f. 11.07.1985.

Thus, she is not correct she was engaged for 8 ½ hour on one post but she was appointed for 3 ½ hours, part time initially and then after on the post of 5 hours, look after the work for 5 hours/ 3 ½ hours on vacant post and she had got extra remuneration for her that additional work on different bills.

She was appointed only for 3 ½ hours and she was looking after the work for 5 hours in the absence of Smt. Madhuben. The both posts are separate and she gets the extra remuneration for look after the work of second post.

Smt. Bhartiben was appointed as EDMM with effect from 28.01.1994 vide HRO Rajkot Memo No. OA.5/6616 dated 27.01.1994 along with her charge report as per her seniority in P/T according to rules, she will also get her regular appointment in Group D cadre in her turn as per Departmental rules as such the saying of the second party is correct that there is no scheme for regularisation. The service of Smt. Bhartiben is taken into account in considering EDMM appointment and will be considered in Group D cadre.

The steps have already been taken to regularise the service of Smt. Bhartiben by appointing her as EDMM but it is not possible to regularise her service w.e.f. 01.05.1983 as she had worked for 8 ½ hours on two different post including her regular post.”

3. On the basis of the pleadings of the parties, following issues arise for the just decision of the reference:
 - i. Whether the demand of the Association of Railway and Post Employees, Ahmedabad to regularise Smt. Bhartiben Sureshkumar Buddhhatti, Water Woman working at the office of the Head Record Office, Rajkot for 8 ½ hours per day w.e.f. 07.05.1983 to 19.06.1987 and thereafter for 5 hours per day justified and legally?
 - ii. To what relief, if any, is Smt. Bhartiben Sureshkumar Buddhhatti entitled?
4. **Issue No. (i):** The burden to prove this issue is lying on the work-woman who reiterated the averments of the statement of claim in his examination recorded on 04.12.2001. There was nothing contrary in his cross-examination made by the first party advocate.
5. On behalf of the first party, B.B. Bhatt was examined and he also reiterated the averments in the written statement Ex. 5 and have also filed the documents vide list Ex. 5 which supports the averments of the second party work-woman regarding the fact that the work-woman initially was appointed in 1980 for doing work of providing water to the postal employees for 2 hours a day. Later she was assigned a work of providing water to the post employees for 5 hours a day and later she was assigned a work of providing water to the post employees for 8 1/2 hours a day till 19.06.1987. It has also been admitted in the examination that she used to work for the whole financial year till she worked in the postal department with the first party.
6. As appears from the examination of the work-woman done on 14.12.1998 at Ex. 8, she was recorded as 44 years old and now, it is year 2017, thus at the time of the passing of the award, she is 62 years old. Therefore, it is not possible as per the service rules to be regularised as regular and permanent employees. However, it is admitted fact from the evidence and pleadings of both the parties that no one was appointed as a regular or permanent employee in the said office for providing water to the postal employees and it was a permanent phenomenon that this work-woman was doing this job since her appointment to till the date she worked in the said office.
7. The advocate of the second party work-woman made the following written submissions vide Ex. 33 which are reproduced as under:

“P & T is Government office but the same was exploiting its employees since years. The department was rotating its employees as a daily wagers since years and depriving them from the pay scale of regular employee and other benefits with it. The daily wagers were retired or died as a daily wagers only and other daily wagers were appointed by the department. Such practice is an unfair labour practice under Section 25 – T of the I.D. Act. Therefore, various litigations were going on and ultimately the Hon’ble Supreme Court has directed and declared that the department should frame a scheme for daily wagers for regularisation of their services. Thus the department has prepared sachem and passed a resolution also and declared that daily wagers those who have completed the services of more than 360 days, will be regularised in the department. The second party work-woman was/is entitled for the same but the department has not granted the benefits with a view to victimize the work-woman. Therefore, the work-woman has requested the management to grant the benefits of regularisation but such request was not granted by the management and this second party union was constrained to raise this dispute. Thus the present dispute is raised in the year 1992. The demand notice of the union is below Ex. 10.

Thereafter, adjudication has taken long time and all the party were helpless. In the mean while the concerned work-woman has completed the age of 60 year and she is declared as retired without any benefits of regularisation and judgement of Hon'ble Supreme Court is also not considered by the department. It is pertinent to note here that the first party management has admitted that the second party concerned work-woman was entitled for the benefits of regularisation as per the resolution and as per seniority. The management has said that concerned party work woman was at Sr. No. 53 and she has completed the age of 60 year and retired before she approach her turn. Thus the management has not considered the judgement of Supreme Court and exploited the concerned work-woman in modern fashion which is not legal and proper. Such admission of the management is in its written argument and in other documents also.

Recently in the case of State of Gujarat V/s. PWD Employees Union & Others (SLP-Civil-13619-13620 of 2012) the said criteria or ration is repeated by the Hon'ble Supreme Court. The said judgement is reported in 2013(12)SSC-417.

Other judgement is in the case of Nandkumar V/s. State of Bihar which reported in 2014(5)SSC-300 and it is held in the said judgement that when the benefits of rules and regulations are required to be granted then such rules cannot be de hors for granting of regularisation/absorption.

Moreover in the case of Oil and Natural Gas Corporation Ltd. V/s. Engineering Mazadoor Sangh and in the case of Mineral Exploration Corporation Employees' Union V/s. Mineral Exploration Corporation Ltd. and others, same guideline is given by the Hon'ble Supreme Court. The said judgements are reported in 2007-1-LLJ-704 and in 2006-SSC(L&S)1318.

It is submitted that the management has not produced the entire relevant record but produced the pieces of record which cannot be said to be legal and proper. Hon'ble Court or any impartial person cannot come to the conclusion on such documents. The department (management) has suppressed the material facts which are not legal and proper.

The work woman concerned has deposited on oath and supported the contention of work-woman and there is no contradiction even after cross-examination. Thus the second party has proved his case and the management has not proved the defence but supported the contention of the work-woman as mentioned above. Therefore, the present demand of the union is just to be accepted and granted in the interest of justice."

8. The advocate for the first party argued that as she cannot be appointed and regularised as a permanent employee because of exceeding the age of superannuation, however as she was deprived deliberately by the first party management from the benefit of regularisation.
9. As she cannot be appointed and regularised as a permanent employee because of exceeding the age of superannuation, however as she was deprived deliberately by the first party management from the benefit of regularisation, therefore, a lump sum compensation of Rs. 50000/- is fit to be awarded to this second party work woman.
10. The issue No. (i) is decided accordingly. The issue no. (ii) is also decided in the light of the finding of the issue no. (i) with an order that the second party work-woman shall be entitled for a lump sum compensation of Rs. 50000/-.
11. The first party management is directed to pay Rs. 50000/- as a lump sum compensation to the second party work-woman within 60 days from the publication of the award.
12. The award is passed accordingly.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 अक्टूबर, 2017

का.आ. 2453.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार चीप पोस्ट मास्टर जनरल, गुजरात सर्कल, खानपुर, अहमदाबाद, गुजरात व अन्य एवं उनके कर्मचारी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 500/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09.10.2017 को प्राप्त हुए थे।

[सं. एल-40012/50/2002-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 11th October, 2017

S.O. 2453.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (CGITA No. 500/2004) of the Central Government Industrial

Tribunal/Labour Court, Ahmedabad as shown in the Annexure, in the Industrial Dispute between the employees in relation to the Chief Post Master General, Gujarat Circle, Khanpur, Ahmedabad, Gujarat and others and their workman, which were received by the Central Government on 09.10.2017.

[No. L-40012/50/2002-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present : Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court, Ahmedabad,
Dated 23rd August, 2017

Reference : (CGITA) No. 500/2004

1. The Chief Post Master General,
Gujarat Circle, Khanpur,
Ahmedabad (Gujarat) - 380001
2. The Supdt. Of Post Offices,
Deptt. Of Posts, Surendranagar Division,
Near Tower, 2nd Floor,
Surendranagar (Gujarat) – 363001

...First Party

V/s

The Org. Secretary,
The Association of Railway and Post Employees,
15, Shashi Apartment, Nr. Anjalee Cinema,
Vasna Road,
Ahmedabad (Gujarat) – 380007

...Second Party

For the First Party : Shri P.M. Rami

For the Second Party : Shri R.C. Pathak

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-40012/50/2002-IR(DU) dated 24.07.2002 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of the union for reinstatement of Shri Jasabhai Satabhai Khachar, Branch Pot Master in service with full back wages is legal, proper and justified? If so, to what relief the concerned workman is entitled to and from which date?”

1. The reference dates back to 24.07.2002. The second party submitted the statement of claim Ex. 7 on 25.03.2004 and the first party submitted the written statement Ex. 9 on 12.09.2007. Since then the second party failed to lead evidence. Therefore, a fresh notice was issued to both the parties to appear on 29.06.2011 to lead evidence but to no result. The advocate of the first party Shri P.M. Rami moved applications Ex. 14 on 14.02.2012, Ex. 15 on 16.08.2012 and Ex. 16 on 13.08.2013 to close the evidence of the second party workman. Suddenly on 15.03.2016, the advocate of the second party Shri R.C. Pathak submitted some documents vide list Ex. 17. Therefore, on 15.03.2016, he was given time to lead evidence but he failed to lead evidence on 19.07.2016, 07.12.2016, 08.02.2017, 05.04.2017 and 11.04.2017 despite moving adjournment applications Ex. 18 on 19.07.2016 and Ex. 19 on 07.12.2016.
2. Shri Chintan Goyal, the junior advocate to Shri R.C. Pathak stated in the court that the workman has not been in their contact. Thus it appears that the second party is not willing to prosecute the case.
3. Thus the reference in the absence of the evidence of the second party, is finally disposed of with the observation as under: “the demand of the union for reinstatement of Shri Jasabhai Satabhai Khachar, Branch Pot Master in service with full back wages is illegal, improper and unjustified.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 अक्टूबर, 2017

का.आ. 2454.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार निदेशक, क्षेत्रीय स्टेशन, फोरेज उत्पादन व प्रदर्शन के लिए, गांधीधाम, गुजरात एवं उनके कर्मचारी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 105/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09.10.2017 को प्राप्त हुए थे।

[सं. एल-42012/177/2005-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 11th October, 2017

S.O. 2454.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (CGITA No. 105/2005) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad as shown in Annexure, in the Industrial Dispute between the employees in relation to the Director, Regional Station for Forage Production and Demonstration, Gandhidham, Gujarat and their workman, which were received by the Central Government on 09.10.2017.

[No. L-42012/177/2005-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present : Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 05th September, 2017

Reference: (CGITA) No. 105/2005

The Director,
Regional Station for Forage Production and Demonstration,
CH – 128, Sector- 30,
Gandhidham (Gujarat)

...First Party

V/s

The General Secretary,
All Gujarat Karmachari Union (AITUC),
Ashapuri Nagar, Bhilwada Road,
Amaiwadi,
Ahmedabad (Gujarat)

...Second Party

For the First Party : Shri N.V. Dixit

For the Second Party : Shri G.K. Parmar

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-42012/177/96-IR(DU) dated 07.11.2005 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of All Gujarat Kamdar Karmachari Union, Ahmedabad for the reinstatement of Smt. Gangaben Laxmanbhai and 6 others with full back wages and continuity of service is justified? If yes, to what relief the workmen are entitled to and from which date?”

1. The reference dates back to 07.11.2005. The second party workman submitted the statement of claim Ex. 4 on 27.02.2006 along with the vakalatpatra Ex. 5. The first party submitted the written statement Ex. 7 on 06.11.2008. Since then the applicant has been absent. Therefore, on 30.11.2010, a fresh notice was sent to the second party union to appear on 07.03.2011. The said notice was not received back as unserved. Despite the

same, the second party union did not respond till date for leading evidence. Thus it appears that the second party union has not been leading to prosecute the case.

2. Therefore, the reference is disposed of in the absence of the evidence of the second party union with the observation as under: “the demand of All Gujarat Kamdar Karamchari Union, Ahmedabad for the reinstatement of Smt. Gangaben Laxmanbhai and 6 others with full back wages and continuity of service is not justified.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 अक्टूबर, 2017

का.आ. 2455.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेशन निदेशक, ऑल इंडिया रेडियो, नवरंगपुरा, अहमदाबाद, गुजरात एवं उनके कर्मचारी के प्रबंधन के संबंध निर्यातकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 353/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09.10.2017 को प्राप्त हुए थे।

[सं. एल-42012/178/2000-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 11th October, 2017

S.O. 2455.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (CGITA No. 353/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the Station Director, All India Radio, Navrangpura, Ahmedabad, Gujarat and their workman, which were received by the Central Government on 09.10.2017.

[No. L-42012/178/2000-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present : Pramod Kumar Chaturvedi, Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 24th August, 2017

Reference: (CGITA) No. 353/2004

The Station Director,
All India Radio, Navrangpura,
Ahmedabad (Gujarat) – 380001

...First Party

V/s

Sh. Rafiq Md. Hussain Shaikh,
C/o Gujarat Mazdoor Sabha,
104, 1st Floor, Maharana Pratap Complex,
Ahmedabad (Gujarat)

... Second Party

For the First Party :

For the Second Party : Shri Amrish Patel

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-42012/178/2000-IR(DU) dated 31.10.2000 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of Sh. Rafiq Mohammed Hussain Shaikh in demanding reinstatement as Helper/Electrician/Pump-operator by the management of All India Radio along with full back wages, continuity of service, consequential benefits is justified? If so, what relief the workman is entitled to?”

1. The reference dates back to 31.10.2000. The second party submitted the statement of claim on 22.11.2001 and the first party submitted the written statement Ex 10 on 23.10.2002. Thereafter on 29.01.2005, the second party moved an application Ex. 14 for production of documents which appeared to have not been disposed of by the State Industrial Tribunal, Ahmedabad on account of non-appearance of the parties. By Government of India dated 19.10.2010, the reference was received in this tribunal and a notice Ex. 15 was issued to both the parties to appear on 13.04.2011. Both the parties appeared in this tribunal but failed to lead evidence despite giving number of dates for leading evidence. Thus it appears that the second party is not willing to prosecute the case.
2. Thus the reference in the absence of the evidence of the second party, is finally disposed of with the observation as under: “the demand of Sh. Rafiq Mohammed Hussain Shaikh in demanding reinstatement as Helper/Electrician/Pump-operator by the management of All India Radio along with full back wages, continuity of service, consequential benefits is unjustified.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 अक्टूबर, 2017

का.आ. 2456.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार प्रिंसिपल जनरल मैनेजर, बीएसएनएल, अहमदाबाद टेलीकॉम जिला, अहमदाबाद, गुजरात एवं उनके कर्मचारी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 126/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09.10.2017 को प्राप्त हुए थे।

[सं. एल-40012/103/2005-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 11th October, 2017

S.O. 2456.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (CGITA No. 126/2006) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the Principal General Manager, BSNL, Ahmedabad Telecom District, Ahmedabad, Gujarat and their workman, which were received by the Central Government on 09.10.2017.

[No. L-40012/103/2005-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD**

Present : Pramod Kumar Chaturvedi, Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 21st August, 2017

Reference: (CGITA) No. 126/2006

The Principal General Manager,
BSNL, Ahmedabad Telecom District,
Gulbai Tekra, Telephone Exchange Bldg.,
Ahmedabad (Gujarat)

...First Party

V/s

Smt. U.P. Garasia,
B/2, Sangath-1,
Behind Muktidham Society,
Motera Road,
Ahmedabad (Gujarat)

...Second Party

For the First Party : Shri N.K. Trivedi

For the Second Party :

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-40012/103/2005-IR(DU) dated 18.05.2006 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of the Ahmedabad Telecom District, Ahmedabad in terminating the services of Smt. U.P. Garasia w.e.f. 17.12.1997 from the post of Telephone Operator, is legal and justified? If not, what relief the workman is entitled to and to what extent?”

1. The reference dates back to 18.05.2006. The second party workman submitted his statement of claim Ex. 10 on 25.08.2009 and the first party submitted the written statement Ex. 13 on 22.08.2010 while pending in the Industrial Tribunal, Ahmedabad. On 19.10.2010, the record was received in this tribunal. Both the parties appeared in the tribunal. On 02.08.2011, the first party submitted the documents vide list Ex. 14. The second party continued to appear on 20.10.2011 and 12.01.2012 thereafter the second party stopped coming to appear to lead his evidence. Suddenly, on 30.07.2013, the second party again appeared but did not lead his evidence on 30.07.2013, 25.11.2013, 21.02.2014, 27.08.2014, 24.12.2014 then again the second party stopped to appear to lead evidence on 05.03.2015, 27.10.2015, therefore, on 15.12.2015, the second party was given last opportunity to appear and to lead evidence but on 18.04.2016, 23.06.2016, 17.11.2016, 30.01.2017, 27.03.2017 and 10.07.2017, the advocate for the second party appeared but he failed to lead evidence on account of non-availability of the second party workman. Despite the said circumstances, the advocate of the second party requested the tribunal on 27.03.2016 and 10.07.2017 to give last opportunity to contact the second party workman but to no result.
2. Thus it appears that the second party workman as not available to his advocate, appears to have not been willing to prosecute the case.
3. Thus the reference in the absence of the evidence of the second party workman, is finally disposed of with the observation as under: “the action of the management of the Ahmedabad Telecom District, Ahmedabad in terminating the services of Smt. U.P. Garasia w.e.f. 17.12.1997 from the post of Telephone Operator, is legal and justified.”
4. Thus no relief can be granted.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 अक्टूबर, 2017

का.आ. 2457.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डिवीजनल मैनेजर (टेलीकॉम), इंडियन पोस्ट और टेलीग्राफ डिपार्टमेंटल, अहमदाबाद, गुजरात व अन्य एवं उनके कर्मचारी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 74/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09.10.2017 को प्राप्त हुए थे।

[सं. एल-40012/24/97-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 11th October, 2017

S.O. 2457.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (CGITA No. 74/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the Divisional Manager (Telecom), Indian Post and Telegraph Department, Ahmedabad, Gujarat and others and their workman, which were received by the Central Government on 09.10.2017.

[No. L-40012/24/97-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD**

Present : Pramod Kumar Chaturvedi, Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 01st September, 2017

Reference: (CGITA) No. 74/2004

1. The Divisional Manager (Telecom),
Indian Post and Telegraphs Department,
Coaxial Cable Project, Navrangpura,
Ahmedabad (Gujarat)
 2. The Chief General Manager,
Telecom Project, Fonix Village Compound, No. 862,
S.V. Road, Lower Parel, Bombay – 400013
- ...First Party

V/s

Shri Rameshbhai Bhathibhai Patel,
C/o Dinesh S. Gohil,
66, Jantanagar, Odhav Village, Odhav,
Ahmedabad (Gujarat) – 382415

...Second Party

For the First Party : Shri N.K. Trivedi

For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-40012/24/97-IR(DU) dated 09.03.1998 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of Department of Telecom in denying temporary status to Shri Rameshbhai Bhathibhai Patel, Muster Roll Casual workman of Coaxial Cable Project is legal and justified? If not to what relief the concerned workman is entitled to?”

1. The reference dates back to 09.03.1998. The second party submitted the statement of claim Ex. 4 on 14.12.1998 and the first party submitted the written statement Ex. 6 on 10.02.2000 along with number of documents. The workman in his statement of claim Ex. 4 has alleged that he was engaged on 20.04.1990 as a casual worker in Coaxial Cable Project but he was denied the temporary status in the department without any cogent reason despite the fact that he worked for 215 days in the year 1987, 90 days in the year 1988 and more than 240 days in the year 1989.
2. The first party in his written statement denied all the averments made in the statement of claim on the ground that he did not work for 240 days in any preceding year.
3. On the basis of the pleadings, following issues arise:
 - iii. Whether the action of the management of Department of Telecom in denying temporary status to Shri Rameshbhai Bhathibhai Patel, Muster Roll Casual workman of Coaxial Cable Project is legal and justified?
 - iv. If not, to what relief the concerned workman is entitled to?
4. **Issue No. (i) :** The burden of prove of this issue lied on the second party workman who reiterated the averments made in the statement of claim Ex. 4 but he failed to prove the documentary evidence filed by him regarding working of 215 days in 1987, 105 days in the year 1988, 365 days in the year 1989 and 105 days in the year 1990 as the documents are the zerox copies which are not admitted by the first party. It is also noteworthy that the General Secretary of the union Shri S.N. Adishwar did not press the reference and the second party in person has been absent since the reference received from the Industrial Tribunal, Gujarat. Thus in the light of the aforesaid observations, the issue is decided in negative against the workman.

5. **Issue No. (ii):** In the light of the finding of the issue no. (i), no relief can be granted.
6. The reference is disposed of as not pressed.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 अक्टूबर, 2017

का.आ. 2458.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार अधीक्षक, आरएमएस, डब्ल्यू डिवीजन, बड़ोदरा, गुजरात एवं उनके कर्मचारी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 32/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09.10.2017 को प्राप्त हुए थे।

[सं. एल-40011/04/2016-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 11th October, 2017

S.O. 2458.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (CGITA No. 32/2016) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the Superintendent, RMS, W Division, Vadodara, Gujarat and their workman, which were received by the Central Government on 09.10.2017.

[No. L-40011/04/2016-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present : Pramod Kumar Chaturvedi, Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 21st August, 2017

Reference: (CGITA) No. 32/2016

The Superintendent,
RMS, W Division,
Pratapganj,
Vadodara (Gujarat) – 390002

...First Party

V/s

The General Secretary,
Vadodara Jilla General Kamdar Union,
Salatvada Vanikar ni Paga,
Vinobabhave Road,
Vadodara (Gujarat) – 390001

...Second Party

For the First Party : Shri P.M. Rami

For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-40011/04/2016-IR(DU) dated 02.05.2016 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of Postal Department W Division, Baroda in not giving appointment to Shri M. J. Parmar, Part-time Casual Labour in the cadre of Group D in RMS W Division, Baroda through Mr. M.N. Pathan and Mr. N.R. Desai both juniors to Shri M.J. Parmar were selected in the cadre of Group D

vide Memo No. B1/3/IV/2007 dated 29.02.2008 is legal, just and proper? If not to what relief Shri M.J. Parmar is entitled to?"

1. The reference dates back to 02.05.2016. After receiving the reference from the Government of India, both the parties were issued notice to appear. The first party submitted the vakalatpatra Ex. 4 on 16.11.2016 but the second party workman did not respond to the notice on 11.08.2016, 16.11.2016 and 25.01.2017. Therefore, a fresh notice was issued to the second party workman on 06.02.2017 for to appear on 15.03.2017. The said notice was received back as un-served because of non-availability of the second party on the said address. Thus the second party is deemed served and also failed to submit the statement of claim by appearing in person or sending the statement of claim by post.
2. Thus it appears that the second party is not willing to prosecute the case. Thus the reference in the absence of the second party workman, is finally disposed of with the observation as under: "the action of the management of Postal Department W Division, Baroda in not giving appointment to Shri M. J. Parmar, Part-time Casual Labour in the cadre of Group D in RMS W Division, Baroda through Mr. M.N. Pathan and Mr. N.R. Desai both juniors to Shri M.J. Parmar were selected in the cadre of Group D vide Memo No. B1/3/IV/2007 dated 29.02.2008 is legal, just and proper."

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 अक्टूबर, 2017

का.आ. 2459.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उप-विभागीय अधिकारी (टेलीग्राफ), बीएसएनएल, टेलीफोन एक्सचेंज, पालनपुर व अन्य एवं उनके कर्मचारी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 25/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09.10.2017 को प्राप्त हुए थे।

[सं. एल-40012/5/2003-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 11th October, 2017

S.O. 2459.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (CGITA No. 25/2005) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad as shown in Annexure, in the Industrial Dispute between the employers in relation to the Sub-Divisional Officer (Telegraph), BSNL, Telephone Exchange, Palanpur and others and their workman, which were received by the Central Government on 09.10.2017.

[No. L-40012/5/2003-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present : Pramod Kumar Chaturvedi, Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,

Dated 23rd August, 2017

Reference: (CGITA) No. 25/2005

1. The Sub-Divisional Officer (Telegraph),
BSNL, Telephone Exchange, Nr. Bus Stand,
Palanpur (B.K.) – 385001

2. The Telecom District Manager,
BSNL, Ganj Market,
Palanpur (B.K.) – 385001
 3. The Chief General Manager,
Telecom Deptt., Bharat Sanchar Nigam Limited,
Khanpur, Ahmedabad – 380001
- ...First Party

V/s

The Org. Secretary,
Association of Railway and Post Employees,
15, Shashi Apartment, Nr. Anjalee Cinema, Vasna Road,
Ahmedabad (Gujarat) – 380001

...Second Party

For the First Party : Shri N.K. Trivedi
For the Second Party : Shri R.C. Pathak

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-40012/5/2003-IR(DU) dated 15.02.2005 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of Sub-Divisional Officer (Telegraph), Palanpur in terminating the services of Shri Akbarali Mohmad Isha w.e.f. 01.06.1990 is just and legal? If not, to what relief the workman is entitled?”

1. The reference dates back to 15.02.2005. After service by registered post on both the parties, the second party submitted the statement of claim Ex. 4 on 28.10.2006 and the first party submitted the written statement Ex. 6 on 25.08.2007. Since then the second party has failed to lead evidence. But suddenly on 14.09.2011, the second party submitted the number of documents vide list Ex. 9 and also moved an application Ex. 10 for production of documents by the first party. Same was rejected on 24.01.2017 on the ground that all the documents demanded by the second party were more than 15 years old which cannot be made available as per the version of the first party. Thereafter numbers of dates were given on 12.03.2017, 11.07.2017 and 23.08.2017. In the said circumstances, the second party is avoiding to lead evidence.
2. Thus the reference in the absence of the evidence of the second party, is finally disposed of with the observation as under: “the action of the management of Sub-Divisional Officer (Telegraph), Palanpur in terminating the services of Shri Akbarali Mohmad Isha w.e.f. 01.06.1990 is just and legal.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 अक्टूबर, 2017

का.आ. 2460.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आयुक्त, साउथ दिल्ली नगर निगम, नई दिल्ली एवं उनके कर्मचारी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय सं. 1, दिल्ली के पंचाट (संदर्भ संख्या 258/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28.09.2017 को प्राप्त हुए थे।

[सं. एल-42012/192/2015-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 11th October, 2017

S.O. 2460.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 258/2015) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Delhi as shown in Annexure, in the industrial dispute between the employers in relation to the Commissioner, South Delhi Municipal Corporation, New Delhi and their workman, which were received by the Central Government on 28.09.2017.

[No. L-42012/192/2015-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

IN THE COURT OF SHRI AVTAR CHAND DOGRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 1, KARKARDOOMA COURT COMPLEX, DELHI

ID No. 258/2015

The General Secretary,
MCD General Mazdoor Union,
Room No.95, Barrack No.1/10,
Jam Nagar House, Shah Jahan Road,
New Delhi – 110 001

...Workman

Versus

The Commissioner,
South Delhi Municipal Corporation,
9th Floor, Civic Centre, Minto Road,
New Delhi – 110 002

...Management

AWARD

This award shall dispose of a reference received from Ministry of Labour and Employment vide Order No.L-42012/192/2015-IR(DU) dated 03.12.2015 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947(in short the Act) for adjudication of an industrial dispute, terms of which are as under:

‘Whether Shri Satish Kumar S/o late Shri Gyashi Ram, Shri Radhey Shyam Sharma S/o late Ram Gopal Sharma are entitled to be promoted as Garden Chaudhary under promotional quota as their juniors are promoted in the said with effect from 04..03.2014? If so, what directions are necessary in this respect?’
Whether the action of the management of North Delhi Municipal Corporation in not granting the pay scale of Rs.3050-4590 revised from time to time with all consequential benefits to Shri Satish Kumar S/o late Gyashi Ram with effect from 15.01.2000 and Shri Radehy Sham Sharma with effect from 01.07.1996 is fair and justified? If not, what relief the workmen entitled to?’

2. Claim statement was filed by the claimant herein averring that Shri Satish Kumar was regularized on the post of mali on 16.02.1993 and has been working as acting Chaudhary with effect from 15.01.2000 and Shri Radhey Shyam Sharma has been regularized on the post of mali on 01.04.1989 and has been working as acting Chaudhary with effect from 01.07.1996. The claimants have not been allowed to participate in the promotion to the post of Garden Chaudhary on the grounds that the claimants are not 10th pass with Agriculture as one of the subjects. As per un-notified recruitment rules, claimant is entitled to promotional post of Chaudhary and no minimum qualification is prescribed. Some acting chaudharies similarly situated were allowed grant of pay of Chaudhary from the date when they were performing their duty as Garden Chaudhary as per the direction of Hon’ble Tribunal in TA No.1317/2009 in the matter of Sultan Singh Vs. MCD and further direction of Hon’ble High Court of Delhi titled Sultan Singh & others

in WP(C) No.7947/2010 and dismissed as withdrawn by Hon'ble Supreme Court of Special Leave to Appeal (C) No.20069/2011 on 09.04.2012. In another writ petition No.5453/2012 titled Sultan Singh Vs MCD Division Bench of Hon'ble High Court directed the management to comply with the writ petition. Management vide order 04.06.2013 directed for payment of duties of higher post (Garden Chaudhary). The claimant was not allowed to participate in the promotion process due to wrong interpretation of the unnotified recruitment rules, that the claimants are not 10th pass with Agriculture. Juniors to the claimant were promoted to the post of Garden Chaudhary with effect from 04.03.2014. Hence the management has not only violated the un-notified recruitment rules but also violated Article 14 & 16 of the Constitution of India. Hence the management has indulged in unfair labour practice and non-grant of promotion to the claimant is totally illegal, unfair, unjust and discriminatory. Even Hon'ble High Court in a bunch of writ petitions No.7669/2002 has held on 26.02.2004 that 50% promotional posts in which the educational qualification are not required. Juniors to the claimants were promoted as Chaudhary with effect from 04.03.2014 under promotion quota.

3. Claim was demurred by the management taking various preliminary objections, inter alia Management has demurred claim of the claimants by taking preliminary objections, inter alia, present dispute not being an industrial dispute as there is no espousal & no demand notice has been served upon the management, claim being misconceived, claim being stale etc. On merits, management has admitted the factum of regularization of the claimant as mali on 15.01.2000 and 01.04.1989. As per the existing rules for the post of Garden Chaudhary, malis having eight years of regular service in the grade and possessing qualification of 10th pass with Agriculture are eligible for promotion to the next post. The management has denied the remaining material facts contained in the statement of claim.

4. Against this factual background, based on pleadings of the parties, this Tribunal vide order dated 03.08.2016 framed the following issues:

- (i) Whether the reference is not legally maintainable in view of the various preliminary objections?
- (ii) In terms of reference
- (iii) Relief

5. Claimant, in support of his case, examined himself as WW1 and Shri B.K. Prasad as WW2 and tendered in evidence their affidavit Ex.WW1/A & Ex.WW2/A and also tendered in evidence documents Ex.WW1/1 & Ex.WW1/2 and Ex.WW2/1 to Ex.WW2/3 respectively. Management, in order to rebut the case of the claimant, examined Shri Shashi Kant Sharma, Assistant Director as MW1, whose affidavit is Ex.MW1/A and also relied on documents Ex.MW1/1 and Ex.MW1/2.

6. I have heard Shri B.K. Prasad, A/R for the claimant and Ms.Savita Chauhan Legal Retainer, A/R for the management.

Findings on Issue No. (i)

7. Admittedly, in the present case, reference has been made under Section 10 sub-section (2A) of the Act for adjudication. It is now well settled position in law that when a reference has been made for adjudication to the Tribunal or Labour Court, as the case may be, it is paramount duty of the court to decide the same on merits, irrespective of the pleas taken by the management. The dispute in the case in hand cannot be said to be stale for the simple reason that there is no previous adjudication of the matter between the parties from a competent court nor that there is inordinate delay in approaching this Tribunal by the claimants.

8. It has been held by the Hon'ble Apex Court in the case of Raghuraj Singh vs. General Manager (2014) Lab.I.C. 4266 = (2014) 10 SCC 301 that a reference for adjudication to the Industrial Tribunal can be made by the appropriate Government at any time and provisions of Limitation Act does not apply. There are clear observations in the above judgement that industrial dispute is to be decided by the Tribunal or Labour Court on merits, irrespective of the pleadings on limits. Therefore, ratio of law in the case of 'Nedungadi Bank Limited Vs. K.P. Madhavankutty & ors' (supra) and State Co-op Land Development Bank Vs. Neelam (supra) is not applicable to the case in hand as there is no inordinate delay nor workman is guilty of delay and laches in approaching the court.

9. It is clear from the preliminary objections taken in the written statement by the management that the management has raised objection that no demand notice has been served upon the management nor the MCD General Mazdoor Union has any locus standi to raise the present dispute as the union is not a recognized union of the management. To my mind, there is no requirement of law that a dispute can be raised only by a recognized union. In this regard, it is appropriate to refer to the judgement of the Hon'ble Apex Court in the case of State of Bihar Vs. Kripa Shankar Jaiswal (AIR 1961 (2) SC Report 1) wherein also objection was taken on behalf of the management that the union was not a registered under the Trade Union Act on the date of the settlement and said plea was rejected by observing as under:

‘Held, that for a dispute to constitute an industrial dispute it is not a requisite condition that it should be sponsored by a recognized union or that all the workmen of an industrial establishment should be parties to it. A settlement arrived at in course of conciliation proceedings falls within [Section 18\(3\)\(a\)](#) and (d) of the [Industrial Disputes Act](#) and as such binds all the workmen though an unregistered union or only some of workmen may have raised the dispute. The absence of notice under [Section 11\(2\)](#) by the Conciliation Officer does not affect the jurisdiction of the conciliation officer and its only purpose is to apprise the establishment that the person who is coming is the conciliation officer and not a stranger. Any contravention of [Section 12\(6\)](#) in not submitting the report within 14 days may be a breach of duty on the part of the conciliation officer ; it does not affect the legality of the proceedings which terminated as provided in [Section 20\(2\)](#) of the Act.

10. There is also ample evidence on record that the workmen herein were performing duty as officiating Chaudhary. It is clear from perusal of office order dated 25.11.2012 Ex.WW1/1 (colly) that that name of the claimants finds mention in the list where copy of the office is endorsed to all the Chaudharies, at serial Nos.12 and 20. WW1/2 is the identity card issued by the management where the designation of the claimant is shown as Mali (supervisor). Claimants, in order to prove their case, have tendered in evidence affidavit of Shri Satish Kumar, whose affidavit is Ex.WW1/A, wherein material averments contained in statement of claim has been reiterated. It is specifically alleged in the affidavit that Shri Satish Kumar and Shri Radhey Shyam Sharma were doing work of acting Chaudhary with effect from 15.01.2000 and 01.07.1996 respectively. There are also averments in his affidavit that one Shri Jai Chand has also been granted pay scale of Chaudhary by the management of MCD and Sultan Singh and others vs. MCD, who were doing work of acting Chaudhary, vide judgement of the Hon’ble High Court, i.e. in the case of MCD vs. Sultan Singh & others and necessary orders for implementation of the said judgement were issued by MCD.

11. Equally merit-less is the plea taken by the management that the present dispute is not sponsored or espoused by substantial number of workmen. It is fairly settled position in law that even non-espousal of a case by the union would not deprive the workman of the relief to which the workman is otherwise entitled under the law. Such view appears to have been taken in the case of Nazrul Hassan Siddiqui vs. Presiding Officer, Industrial-cum-Labour Court Bombay (1997) Lab.I.C. 1807. In the above cited case also contention was raised by the management that the dispute does not fall within the definition of ‘industrial dispute’ and the same has not been referred or supported by substantial section of workmen. High Court rejected the plea of the management by placing reliance upon the decision of the Hon’ble Supreme Court in the case of Associated Cement Companies Ltd. (AIR 1960 SC 777), which it was observed as under:

‘We have already noticed that an industrial dispute can be raised by a group of workmen or by a union even though neither of them represent the majority of the workmen concerned; in other words, the majority rule on which the appellant’s construction of Section 19(6) is based is inapplicable in the matter of the reference under Section 10 of the Act. Even a minority group of workmen can make a demand and thereby raise an industrial dispute which in a proper case would be referred or adjudication under Section 20.’

12. In view of the ratio of the judgement discussed above, it is clear that espousal of a dispute by majority members of the union is not sine qua non for adjudication of such dispute in terms of Section 10 of the Act. Consequently, this issue is decided in favour of the claimants and against the management.

Findings on Issue No.(ii)

13. It was strongly contended on behalf of the claimants that juniors to the claimants were allowed to participate in the promotional quota on regular basis but he was denied on the grounds that he was not possessing the requisite qualification of 10th Agriculture.

14. The main attack of the management is that the claimants herein were not having requisite qualification, as such, there is no question of grant of pay scale of Garden Chaudhary to Shri Satish Kumar from 15.01.2000 and Shri Radhey Shyam Sharma from 01.04.1989. There is no merit in the stand taken by the management in its reply, that the claimants herein is not entitled for promotion to the post of Chaudhary inasmuch as he does not possess the requisite qualification. To my mind, this plea is devoid of any merit inasmuch as similarly situated other workers who were performing duties of Chaudhary, i.e. acting Chaudhary have been granted pay scale of Garden Chaudhary after judgement dated 27.07.2011 rendered by the Hon’ble High Court in the case of MCD vs. Sultan Singh as well as MCD vs. Mahipal (WP 5550 of 2010). Operating portion of the judgement in Sultan Singh (supra) of the Hon’ble Division Bench is as under:

“28. Considering the entire facts and circumstances it is apparent that the claim of the respondents have always been that they should be paid the difference in pay of Mali/Chowkidar and the Garden Chaudhary as they were made to work on the post of Garden Chaudhary whereas the petitioner had first denied that they worked as Garden Chaudharies, then took the plea that the Assistant Director (Horticulture) was not competent to ask the respondents to work as Garden Chaudharies and that the respondents cannot be appointed to the post of Garden Chaudharies in accordance with the recruitment rules. There is no doubt that respondents

are not claiming appointment to the post of Garden Chaudharies on account of having worked on ad-hoc basis on the post of Garden Chaudhary contrary to rules or that some of them not having the requisite qualifications are entitled for relaxation.

29. In the entirety of facts and circumstances therefore, the learned counsel for the petitioner has failed to make out any such grounds which will impel this Court to exercise its jurisdiction under Article 226 of the Constitution to set aside the orders of the Tribunal dated 29th January, 2010 and 7th October, 2010 as no illegality or un-sustainability or perversity in the orders of the Tribunal has been made out.

30. The writ petition is, therefore, dismissed. Parties are left to bear their own cost.”

15. It is further clear that SLP was also filed by MCD before the Hon'ble Apex Court vide IA No.2 WP for special leave S20069/2011 MCD vs. Sultan Singh and others which was also dismissed as withdrawn vide order dated 09.04.2012. It is further clear that the Hon'ble High Court in Sultan Singh case strongly deprecated the stand taken by the management that the workmen were not possessing requisite qualification or have not qualified the test etc. It was clarified that since the workmen were discharging duties to the post of Garden Chaudhary, a such, workmen were entitled for the salary of Garden Chaudhary and competent authority need not look into anything else except the fact that the workman had worked as Garden Chaudhary. Therefore, stand taken by the management that the claimants herein does not possess requisite qualification is without any merit and has no relevance so far as question of grant of promotion to the post of Garden Chaudhary is concerned.

16. It is not out of place to mention here that even if the claimants herein was not a party in Sultan Singh case referred above, judgement of the Hon'ble High Court is binding on the management and management is required to implement the same in letter and spirit and the same is judgement in rem, and all similarly situated workmen are required to be accorded the benefit of the said judgement of the Hon'ble High Court, which have become final.

17. As a sequel to my above discussion, it is held that Shri Satish Kumar and Shri Radhey Shyam Sharma, the claimants herein, are entitled to the pay scale of Garden Chaudhary with effect from 15.01.2000 and 01.07.1996 respectively and as a corollary, management is liable pay the difference of wages of mali vis-a-vis Garden Chaudhary from the date when the workman herein was performing duties and functions of Garden Chaudhary till 04.03.2014. Further the claimants are also entitled to be promoted to the post of Garden Chaudhary from 04.03.2014, i.e the date when their juniors were promoted as regular Garden Chaudhary. An award is accordingly passed. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dated : September 22, 2017

A. C. DOGRA, Presiding Officer

नई दिल्ली, 11 अक्टूबर, 2017

का.आ. 2461.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आयुक्त, उत्तर दिल्ली नगर निगम, नई दिल्ली एवं उनके कर्मचारी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय सं. 1, दिल्ली के पंचाट (संदर्भ संख्या 97/2015, 220/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28.09.2017 को प्राप्त हुए थे।

[सं. एल-42011/06/2015-आईआर (डीयू),

सं. एल-42011/122/2015-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 11th October, 2017

S.O. 2461.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 97/2015, 220/2015) of the Central Government Industrial Tribunal-Labour Court No. 1, Delhi as shown in Annexure, in the industrial dispute between the employers in relation to the Commissioner, North Delhi Municipal Corporation, New Delhi and their workman, which were received by the Central Government on 28.09.2017.

[No. L-42011/06/2015-IR (DU),

No. L-42011/122/2015-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE**IN THE COURT OF SHRI AVTAR CHAND DOGRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO.1, KARKARDOOMA COURT COMPLEX, DELHI****ID No. 97/2015**

Shri Jasbir Singh S/o Shri Bhanwar Singh through
The President,
MCD General Mazdoor Union,
Room No.95, Barrack No.1/10,
Jam Nagar House,
New Delhi

...Workman

Versus

The Commissioner,
Municipal Corporation of Delhi (North),
9th Floor, Civic Centre, Minto Road,
New Delhi 110 002

...Management

Reference under Section 10 sub-section (2A) of the Industrial Disputes Act, 1947(in short the Act) was received from the Central Government, Ministry of Labour and Employment vide it orders No.L-42011/06/2015-IR(DU) dated 05.03.2015 for adjudication of the industrial dispute with the following terms:

‘Whether Shri Jasbir Singh is entitled to the status of Chaudhary in the pay scale of Rs.950-1500 with effect from 01.04.1994 revised from time to time alongwith all consequential benefits? If so, what directions are necessary in this respect?

2. Both the parties were put to notice and the workman Shri Ashok Kumar filed his statement of claim, wherein it is alleged that he has been allotted work of Chaudhary with effect from 01.01.1994 by the competent officers of Horticulture Department and was posted under Civil Lines Zone and thereafter he was transferred to Rohini Zone in the month of July 2009. Presently, he is working with Civil Lines zone of Horticulture Department. However, he has been denied pay scale of Chaudhary, revised from time to time. No qualification is prescribed for promotion to the post of Garden Chaudhary. The workman has got payment of salary in the lower pay scale of mali, i.e. Rs.2550-3200 revised from time to time and has been denied the scale of Chaudhary, i.e. for his performing the duty of Chaudhary with effect from 01.01.1994 Management has fixed different pay scales of mali, Chaudhary etc. in accordance with their job and non-grant of pay scale to the claimant herein amounts to forced labour and unfair labour practice. Duties of mali is presently of an unskilled workman whereas duties of Chaudhary is skilled in nature belonging to Group C category of employees. Action of the management is alleged to be illegal & unjustified and amounts to unfair labour practice.

3. It is also averred in para 7 of the statement of claim that Hon’ble High Court, Delhi, in the matter of Jai Chand vs Municipal Corporation of Delhi (CW 6514/2001) has disapproved the non-payment of wages for those malis who are working on the post of Chaudhary vide its judgement dated 02.05.2003. After the above judgement of the Hon’ble Court, Municipal Corporation of Delhi (Horticulture Department) has also issued order No.ADC(Hor.)/AO(Hort)/DA-VII/05/457 dated 04.03.2005.

4. Management has demurred claim of the workman by taking preliminary objections, inter alia, present dispute has not been espoused by the union, is not an industrial dispute as no demand notice has been served upon the management, delay and laches etc. The claimant cannot be designated as Garden Chaudhary as he has never worked on the said post. There is prescribed procedure for promotion to the post of Garden Chaudhary and there must be sanctioned/vacant post of Garden Chaudhary to which the workman can lay claim when he has passed trade test conducted by the department. Claimant has not passed the said trade test nor is he performing duties of Garden Chaudhary. No such office order has been issued by the competent authority for assigning duties of garden chaudhary. As per provisions of FRSR, no higher pay scale is payable for looking after the work on current duty charge. The claimant being a regular employee of the management, is governed by the CCS rules and the efficacious remedy lies with CAT, who is prescribed authority for adjudicating the dispute related to Government employees. Management has denied the other material averments contained in the statement of claim. Accordingly, it is prayed that claim of the workman herein is liable to be dismissed, being devoid of merits.

5. From the pleadings of the parties, vide a order dated 15.02.2016, following issues were framed:

- (i) Whether the reference in question is not legally maintainable in view of the preliminary objections?
- (ii) As in terms of reference
- (iii) Relief

6. Claimant, in order to prove his case against the management examined himself as WW1 whose affidavits is Ex.WW1/A. He has also tendered in evidence various documents and I would be referring to the same during the course of my discussions in the subsequent paras. Management, in order to rebut the case of the claimant, examined Shri Harbir Singh as MW1, whose affidavit is Ex.MW1/A and he has relied on documents Ex.MW1/1 to Ed.MW1/3.

7. I have heard Shri B.K.Prasad, A/R for the claimant and Shri Nitin Soam, A/R for the management.

Issue No.(i)

8. It is clear from the preliminary objections taken in the written statement by the management that the management has raised objections that no demand notice has been served upon the management nor the MCD General Mazdoor Union has any locus standi to raise the present dispute as the union is not a recognized union of the management. To my mind, there is no requirement of law that a dispute can be raised only by a recognized union. In this regard, it is appropriate to refer to the judgement of the Hon'ble Apex Court in the case of State of Bihar Vs. Kripa Shankar Jaiswal (AIR 1961 (2) SC Report 1) wherein also objection was taken on behalf of the management that the union was not a registered under the Trade Union Act on the date of the settlement and said plea was rejected by observing as under:

'Held, that for a dispute to constitute an industrial dispute it is not a requisite condition that it should be sponsored by a recognized union or that all the workmen of an industrial establishment should be parties to it. A settlement arrived at in course of conciliation proceedings falls within [Section 18\(3\)\(a\)](#) and (d) of the [Industrial Disputes Act](#) and as such binds all the workmen though an unregistered union or only some of workmen may have raised the dispute. The absence of notice under [Section 11\(2\)](#) by the Conciliation Officer does not affect the jurisdiction of the conciliation officer and its only purpose is to apprise the establishment that the person who is coming is the conciliation officer and not a stranger. Any contravention of [Section 12\(6\)](#) in not submitting the report within 14 days may be a breach of duty on the part of the conciliation officer; it does not affect the legality of the proceedings which terminated as provided in [Section 20\(2\)](#) of the Act.

9. It is also clear from espousal certificate Ex.WW1/4 that a meeting of MCD General Mazdoor Union was held on 26.12.2013 wherein issue of promotion and grant of pay scale of Chaudhary to the claimant herein, Shri Jasbir Singh was adopted. In view of this, it is held that there was espousal of the case of the claimant. Hence, issue No.(i) is answered in favour of the claimant and against the management.

Issue No. (ii) and (iii)

10. It is clear from the plea of the parties that the claimant was regularized on the post of mali on 01.04.1990. During the course of arguments it was not denied that the claimant was appointed as regular mali with effect from 01.04.1988. Case of the claimant is that he is performing duties of officiating Chaudhary since 01.01.1994 on the directions of officials of Horticulture Department. During the course of arguments, it was not denied that the claimant was appointed as regular mali with effect from 01.04.1988. The case of the claimant is that he is performing duties of Garden Chaudhary on the directions of Horticulture Department. It was strongly urged on behalf of the claimant that in view of decision given by Hon'ble High Court in the case of MCD vs Sultan Singh as well as MCD vs Mahipal Singh there is hardly any scope for the plea being raised by the management that the claimant was not having requisite qualification so as to promote him to the post of Garden Chaudhary. It is clear from perusal of Ex.WW1/1 which is the list of malis looking after the work of Garden Chaudhary employed with Horticulture Department of Civil Lines Zone, that they are regular Garden Chaudhary who were performing duties as regular/officiating Chaudhary. In the said list, name of the claimant appears at serial No.16. There is also a column 'Working Since and in the same is mentioned as 'April 1994'.

11. The main attack of the management is that the claimant herein was not having requisite qualification, as such, there is no question of grant of pay scale of Garden Chaudhary to the claimant from 1994. There is no merit in the stand taken by the management in its reply, that the workman herein is not entitled for promotion to the post of Chaudhary inasmuch as he neither has the requisite qualification nor has he appeared in the trade test conducted by the department. To my mind, this plea is devoid of any merit inasmuch as similarly situated other workers who were performing duties of Chaudhary, i.e. acting Chaudhary have been granted pay scale of Garden Chaudhary after judgement dated 27.07.2011 rendered by the Hon'ble High Court in the case of MCD vs. Sultan Singh as well as MCD vs. Mahipal(WP 5550 of 2010). Operating portion of the judgement in Sultan Singh (supra) of the Hon'ble Division Bench is as under:

"28. Considering the entire facts and circumstances it is apparent that the claim of the respondents have always been that they should be paid the difference in pay of Mali/Chowkidar and the Garden Chaudhary as they were made to work on the post of Garden Chaudhary whereas the petitioner had first denied that they worked as Garden Chaudharies, then took the plea that the Assistant Director (Horticulture) was not

competent to ask the respondents to work as Garden Chaudharies and that the respondents cannot be appointed to the post of Garden Chaudharies in accordance with the recruitment rules. There is no doubt that respondents are not claiming appointment to the post of Garden Chaudharies on account of having worked on ad hoc basis on the post of Garden Chaudhary contrary to rules or that some of them not having the requisite qualifications are entitled for relaxation.

29. In the entirety of facts and circumstances therefore, the learned counsel for the petitioner has failed to make out any such grounds which will impel this Court to exercise its jurisdiction under Article 226 of the Constitution to set aside the orders of the Tribunal dated 29th January, 2010 and 7th October, 2010 as no illegality or un-sustainability or perversity in the orders of the Tribunal has been made out.

30. The writ petition is, therefore, dismissed. Parties are left to bear their own cost.”

12. It is further clear that SLP was also filed by MCD before the Hon’ble Apex Court vide IA No.2 WP for special leave S20069/2011 MCD vs. Sultan Singh and others which was also dismissed as withdrawn vide order dated 09.04.2012. It is further clear that the Hon’ble High Court in Sultan Singh case strongly deprecated the stand taken by the management that the workmen were not possessing requisite qualification or have not qualified the test etc. It was clarified that since the workmen were discharging duties to the post of Garden Chaudhary, a such, workmen were entitled for the salary of Garden Chaudhary and competent authority need not look into anything else except the fact that the workman had worked as Garden Chaudhary. Therefore, stand taken by the management that the workman herein could not qualify the test conducted by Education Consultant India Limited is without any merit and has no relevance so far as question of grant of salary against the post of Garden Chaudhary is concerned.

13. It is not out of place to mention here that even if the workman herein was not a party in Sultan Singh case referred above, judgement of the Hon’ble High Court is binding on the management and management is required to implement the same in letter and spirit and the same is judgement in rem, and all similarly situated workmen are required to be accorded the benefit of the said judgement of the Hon’ble High Court, which have become final. There is no question of even plea of delay and laches when management had not led any evidence to prove the same. The Hon’ble High Court has decided an abstract proposition of law, i.e. a mali who is performing duty as officiating/acting Chaudhary is entitled to the salary/wages of Chaudhary. Law is fairly settled that if a person is working on a higher post, on ad hoc or temporary basis, even such workman is entitled to salary/wages of higher post, unless rules or regulations specifically provides otherwise. I find support to this view from Secretary vs. Lieutenant Governor Port Blair (1998 Lab.I.C. 598), yet in another case, Hon’ble Apex Court while considering that question of grant of benefits to similarly situated employees who were not party to the writ petition or lis in the case of State of Uttar Pradesh vs. Arvind Kumar Srivastava (2015) 1 SCC 347 observed as under:

“The moot question which requires determination is as to whether in the given case, approach of the Tribunal and the High Court was correct in extending the benefit of earlier judgment of the Tribunal, which had attained finality as it was affirmed till the Supreme Court. The legal principles that can be culled from the judgments, cited both by the appellants as well as the respondents, can be summed up as under:

(1) Normal rule is that when a particular set of employees is given relief by the Court, all other identically situated persons need to be treated alike by extending that benefit. Not doing so would amount to discrimination and would be violative of [Article 14](#) of the Constitution of India. This principle needs to be applied in service matters more emphatically as the service jurisprudence evolved by this Court from time to time postulates that all similarly situated persons should be treated similarly. Therefore, the normal rule would be that merely because other similarly situated persons did not approach the Court earlier, they are not to be treated differently.

(2) However, this principle is subject to well recognized exceptions in the form of laches and delays as well as acquiescence. Those persons who did not challenge the wrongful action in their cases and acquiesced into the same and woke up after long delay only because of the reason that their counterparts who had approached the Court earlier in time succeeded in their efforts, then such employees cannot claim that the benefit of the judgment rendered in the case of similarly situated persons be extended to them. They would be treated as fence-sitters and laches and delays, and/or the acquiescence, would be a valid ground to dismiss their claim.

(3) However, this exception may not apply in those cases where the judgment pronounced by the Court was judgment in rem with intention to give benefit to all similarly situated persons, whether they approached the Court or not. With such a pronouncement the obligation is cast upon the authorities to itself extend the benefit thereof to all similarly situated person. Such a situation can occur when the subject-matter of the decision touches upon the policy matters, like scheme of regularization and the like (see [K.C. Sharma & Ors. v. Union of India](#) (supra)). On the other hand, if the judgment of the Court was in personam holding that benefit of the said judgment shall accrue to the parties before the Court and such an intention is stated expressly in the judgment or it can be impliedly found out from the tenor and language of the judgment, those who want to get

the benefit of the said judgment extended to them shall have to satisfy that their petition does not suffer from either laches and delays or acquiescence.”

14. Similarly, contention of delay and laches and not having requisite qualification, including passing of trade test was raised in the case of MCD Vs. Rajbir Singh. The workman, in the contention of the management, was not entitled to the pay scale of Garden Chaudhary from the date from which he was officiating as Garden Chaudhary. The above contention of the management was out-rightly rejected by the Hon’ble High Court of Delhi by upholding the decision of the learned Tribunal by putting reliance on the case of MCD Vs. Sultan Singh which was decided on 27.07.2011.

15. Since the claimant is officiating on the post of Garden Chaudhary since 01.04.1994, as such, he is entitled to the pay scale of Garden Chaudhary with effect from 01.04.1994. As a corollary, management is liable pay the difference of wages of mali vis-a-vis Garden Chaudhary from the date when the workman herein was performing duties and functions of Garden Chaudhary. An award is, accordingly, passed. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dated : September 21, 2017

A. C. DOGRA, Presiding Officer

ANNEXURE

IN THE COURT OF SHRI AVTAR CHAND DOGRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO.1, KARKARDOOMA COURT COMPLEX, DELHI

ID No. 220/2015

Shri Surender Kumar S/o late Shri Vikram Singh through
The President,
MCD General Mazdoor Union,
Room No.95, Barrack No.1/10,
Jam Nagar House,
New Delhi – 110 001

...Workman

Versus

The Commissioner,
North Delhi Municipal Corporation,
4th Floor, Civic Centre, Minto Road,
New Delhi 110 002

...Management

Reference under Section 10 sub-section (2A) of the Industrial Disputes Act, 1947 (in short the Act) was received from the Central Government, Ministry of Labour and Employment vide it orders No. L-42011/122/2015-IR(DU) dated 05.10.2015 for adjudication of the industrial dispute with the following terms:

‘Whether Shri Surender Kumar S/o Shri Vikram Singh is entitled to the status of Chaudhary in the pay scale of Rs.3050-4590 with effect from 01.01.2004 revised from time to time alongwith all consequential benefits? If so, what directions are necessary in this respect?

2. Both the parties were put to notice and the workman Shri Surender Kumar filed his statement of claim, wherein it is alleged that he has been allotted work of Chaudhary with effect from 01.01.2004 by the competent officers of Horticulture Department and was posted under Civil Lines Zone and thereafter he was transferred to S.P. Zone. However, he has been denied pay scale of Chaudhary, revised from time to time. No qualification is prescribed for promotion to the post of Garden Chaudhary. The workman has got payment of salary in the lower pay scale of mali, i.e. Rs.2550-3200 revised from time to time and has been denied the scale of Chaudhary, i.e. Rs.3050-4590 for his performing the duty of Chaudhary with effect from 01.01.2004. Management has fixed different pay scales of mali, Chaudhary etc. in accordance with their job and non-grant of pay scale to the claimant herein amounts to forced labour and unfair labour practice. Duties of mali is presently of an unskilled workman whereas duties of Chaudhary is skilled in nature belonging to Group C category of employees. Action of the management is alleged to be illegal & unjustified and amounts to unfair labour practice.

3. It is also averred in para 7 of the statement of claim that Hon’ble High Court, Delhi, in the matter of Jai Chand vs Municipal Corporation of Delhi (CW 6514/2001) has disapproved the non-payment of wages for those malis who are working on the post of Chaudhary vide its judgement dated 02.05.2003. After the above judgement of the Hon’ble Court, Municipal Corporation of Delhi (Horticulture Department) has also issued order No.ADC(Hor.)/AO(Hort)/DA-VII/05/457 dated 04.03.2005.

4. Management has demurred claim of the workman by taking preliminary objections, inter alia, present dispute has not been espoused by the union, is not an industrial dispute as no demand notice has been served upon the management, delay and laches etc. The claimant cannot be designated as Garden Chaudhary as he has never worked on the said post. There is prescribed procedure for promotion to the post of Garden Chaudhary and there must be sanctioned/vacant post of Garden Chaudhary to which the workman can lay claim when he has passed trade test conducted by the department. Claimant has not passed the said trade test nor is he performing duties of Garden Chaudhary. No such office order has been issued by the competent authority for assigning duties of garden chaudhary. As per provisions of FRSR, no higher pay scale is payable for looking after the work on current duty charge. The claimant being a regular employee of the management, is governed by the CCS rules and the efficacious remedy lies with CAT, who is prescribed authority for adjudicating the dispute related to Government employees. Management has denied the other material averments contained in the statement of claim. Accordingly, it is prayed that claim of the workman herein is liable to be dismissed, being devoid of merits.

5. From the pleadings of the parties, vide a order dated 11.05.2016, following issues were framed:

- (i) Whether the reference is not legally maintainable in view of the preliminary objections?
- (ii) As in terms of reference
- (iii) Relief

6. Claimant, in order to prove his case against the management examined himself as WW1 and Shri B.K. Prasad as WW2 and their affidavits are Ex.WW1/A and Ex.WW2/A and have also tendered in evidence documents Ex.WW1/1 to Ex.WW1/3 and Ex.WW2/1 to Ex.WW2/3 respectively. Management, in order to rebut the case of the claimant, examined Shri Harbir Singh as MW1, whose affidavit is Ex.MW1/A and he has relied on documents Ex.MW1/1 and Ex.MW1/2.

7. I have heard Shri B.K.Prasad, A/R for the claimant and Shri Harbans Kaushal, A/R for the management.

Issue No. (i)

8. It is clear from the preliminary objections taken in the written statement by the management that the management has raised objections that no demand notice has been served upon the management nor the MCD General Mazdoor Union has any locus standi to raise the present dispute as the union is not a recognized union of the management. To my mind, there is no requirement of law that a dispute can be raised only by a recognized union. In this regard, it is appropriate to refer to the judgement of the Hon'ble Apex Court in the case of State of Bihar Vs. Kripa Shankar Jaiswal (AIR 1961 (2) SC Report 1) wherein also objection was taken on behalf of the management that the union was not a registered under the Trade Union Act on the date of the settlement and said plea was rejected by observing as under:

'Held, that for a dispute to constitute an industrial dispute it is not a requisite condition that it should be sponsored by a recognized union or that all the workmen of an industrial establishment should be parties to it. A settlement arrived at in course of conciliation proceedings falls within [Section 18\(3\)\(a\)](#) and (d) of the [Industrial Disputes Act](#) and as such binds all the workmen though an unregistered union or only some of workmen may have raised the dispute. The absence of notice under [Section 11\(2\)](#) by the Conciliation Officer does not affect the jurisdiction of the conciliation officer and its only purpose is to apprise the establishment that the person who is coming is the conciliation officer and not a stranger. Any contravention of [Section 12\(6\)](#) in not submitting the report within 14 days may be a breach of duty on the part of the conciliation officer; it does not affect the legality of the proceedings which terminated as provided in [Section 20\(2\)](#) of the Act.

9. It is also clear from espousal certificate Ex.WW2/3 that a meeting of MCD General Mazdoor Union was held on 20.10.2012 wherein issue of grant of pay scale of Chaudhary to the claimant herein, Shri Surender Kumar was adopted. In view of this, it is held that there was espousal of the case of the claimant. Hence, issue No.(i) is answered in favour of the claimant and against the management.

Issue No. (ii) and (iii)

10. Case of the claimant is that he is performing duties of officiating Chaudhary since 01.01.2004 on the directions of officials of Horticulture Department. The case of the claimant is that he is performing duties of Garden Chaudhary on the directions of Horticulture Department. It was strongly urged on behalf of the claimant that in view of decision given by Hon'ble High Court in the case of MCD vs Sultan Singh as well as MCD vs Mahipal Singh there is hardly any scope for the plea being raised by the management that the claimant was not having requisite qualification so as to promote him to the post of Garden Chaudhary. It is clear from perusal of Ex.WW1/1 which is the list of malis looking

after the work of Garden Chaudhary employed with Horticulture Department of Civil Lines Zone, that they are regular Garden Chaudhary who were performing duties as regular/officiating Chaudhary. In the said list, name of the claimant appears at serial No.31. There is also a column 'Working Since and in the same is mentioned as '2004'.

11. The main attack of the management is that the claimant herein was not having requisite qualification, as such, there is no question of grant of pay scale of Garden Chaudhary to the claimant from 2004. There is no merit in the stand taken by the management in its reply, that the workman herein is not entitled for promotion to the post of Chaudhary inasmuch as he neither has the requisite qualification nor has he appeared in the trade test conducted by the department. To my mind, this plea is devoid of any merit inasmuch as similarly situated other workers who were performing duties of Chaudhary, i.e. acting Chaudhary have been granted pay scale of Garden Chaudhary after judgement dated 27.07.2011 rendered by the Hon'ble High Court in the case of MCD vs. Sultan Singh as well as MCD vs. Mahipal(WP 5550 of 2010). Operating portion of the judgement in Sultan Singh (supra) of the Hon'ble Division Bench is as under:

“28. Considering the entire facts and circumstances it is apparent that the claim of the respondents have always been that they should be paid the difference in pay of Mali/Chowkidar and the Garden Chaudhary as they were made to work on the post of Garden Chaudhary whereas the petitioner had first denied that they worked as Garden Chaudharies, then took the plea that the Assistant Director (Horticulture) was not competent to ask the respondents to work as Garden Chaudharies and that the respondents cannot be appointed to the post of Garden Chaudharies in accordance with the recruitment rules. There is no doubt that respondents are not claiming appointment to the post of Garden Chaudharies on account of having worked on ad-hoc basis on the post of Garden Chaudhary contrary to rules or that some of them not having the requisite qualifications are entitled for relaxation.

29. In the entirety of facts and circumstances therefore, the learned counsel for the petitioner has failed to make out any such grounds which will impel this Court to exercise its jurisdiction under Article 226 of the Constitution to set aside the orders of the Tribunal dated 29th January, 2010 and 7th October, 2010 as no illegality or un-sustainability or perversity in the orders of the Tribunal has been made out.

30. The writ petition is, therefore, dismissed. Parties are left to bear their own cost.”

12. It is further clear that SLP was also filed by MCD before the Hon'ble Apex Court vide IA No.2 WP for special leave S20069/2011 MCD vs. Sultan Singh and others which was also dismissed as withdrawn vide order dated 09.04.2012. It is further clear that the Hon'ble High Court in Sultan Singh case strongly deprecated the stand taken by the management that the workmen were not possessing requisite qualification or have not qualified the test etc. It was clarified that since the workmen were discharging duties to the post of Garden Chaudhary, a such, workmen were entitled for the salary of Garden Chaudhary and competent authority need not look into anything else except the fact that the workman had worked as Garden Chaudhary. Therefore, stand taken by the management that the workman herein could not qualify the test conducted by Education Consultant India Limited is without any merit and has no relevance so far as question of grant of salary against the post of Garden Chaudhary is concerned.

13. It is not out of place to mention here that even if the workman herein was not a party in Sultan Singh case referred above, judgement of the Hon'ble High Court is binding on the management and management is required to implement the same in letter and spirit and the same is judgement in rem, and all similarly situated workmen are required to be accorded the benefit of the said judgement of the Hon'ble High Court, which have become final. There is no question of even plea of delay and laches when management had not led any evidence to prove the same. The Hon'ble High Court has decided an abstract proposition of law, i.e. a mali who is performing duty as officiating/acting Chaudhary is entitled to the salary/wages of Chaudhary. Law is fairly settled that if a person is working on a higher post, on adhoc or temporary basis, even such workman is entitled to salary/wages of higher post, unless rules or regulations specifically provides otherwise. I find support to this view from Secretary vs. Lieutenant Governor Port Blair (1998 Lab.I.C. 598), yet in another case, Hon'ble Apex Court while considering that question of grant of benefits to similarly situated employees who were not party to the writ petition or lis in the case of State of Uttar Pradesh vs. Arvind Kumar Srivastava (2015) 1 SCC 347 observed as under:

“The moot question which requires determination is as to whether in the given case, approach of the Tribunal and the High Court was correct in extending the benefit of earlier judgment of the Tribunal, which had attained finality as it was affirmed till the Supreme Court. The legal principles that can be culled from the judgments, cited both by the appellants as well as the respondents, can be summed up as under:

(1) Normal rule is that when a particular set of employees is given relief by the Court, all other identically situated persons need to be treated alike by extending that benefit. Not doing so would amount to discrimination and would be violative of [Article 14](#) of the Constitution of India. This principle needs to be

applied in service matters more emphatically as the service jurisprudence evolved by this Court from time to time postulates that all similarly situated persons should be treated similarly. Therefore, the normal rule would be that merely because other similarly situated persons did not approach the Court earlier, they are not to be treated differently.

(2) However, this principle is subject to well recognized exceptions in the form of laches and delays as well as acquiescence. Those persons who did not challenge the wrongful action in their cases and acquiesced into the same and woke up after long delay only because of the reason that their counterparts who had approached the Court earlier in time succeeded in their efforts, then such employees cannot claim that the benefit of the judgment rendered in the case of similarly situated persons be extended to them. They would be treated as fence-sitters and laches and delays, and/or the acquiescence, would be a valid ground to dismiss their claim.

(3) However, this exception may not apply in those cases where the judgment pronounced by the Court was judgment in rem with intention to give benefit to all similarly situated persons, whether they approached the Court or not. With such a pronouncement the obligation is cast upon the authorities to itself extend the benefit thereof to all similarly situated person. Such a situation can occur when the subject matter of the decision touches upon the policy matters, like scheme of regularization and the like (see [K.C. Sharma & Ors. v. Union of India](#) (supra)). On the other hand, if the judgment of the Court was in personam holding that benefit of the said judgment shall accrue to the parties before the Court and such an intention is stated expressly in the judgment or it can be impliedly found out from the tenor and language of the judgment, those who want to get the benefit of the said judgment extended to them shall have to satisfy that their petition does not suffer from either laches and delays or acquiescence.”

14. Similarly, contention of delay and laches and not having requisite qualification, including passing of trade test was raised in the case of MCD Vs. Rajbir Singh. The workman, in the contention of the management, was not entitled to the pay scale of Garden Chaudhary from the date from which he was officiating as Garden Chaudhary. The above contention of the management was out-rightly rejected by the Hon'ble High Court of Delhi by upholding the decision of the learned Tribunal by putting reliance on the case of MCD Vs. Sultan Singh which was decided on 27.07.2011.

15. Since the claimant is officiating on the post of Garden Chaudhary since April 2004, as such, he is entitled to the pay scale of Garden Chaudhary with effect from 01.01.2004. As a corollary, management is liable pay the difference of wages of mali vis-a-vis Garden Chaudhary from the date when Shri Surender Kumar, the workman herein, was performing duties and functions of Garden Chaudhary. An award is accordingly passed. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dated : September 21, 2017

A. C. DOGRA, Presiding Officer

नई दिल्ली, 11 अक्टूबर, 2017

का.आ. 2462.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आयुक्त, ईस्ट दिल्ली नगर निगम, नई दिल्ली एवं उनके कर्मचारी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय सं. 1, दिल्ली के पंचाट (संदर्भ संख्या 145/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28.09.2017 को प्राप्त हुआ था।

[सं. एल-42011/54/2015-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 11th October, 2017

S.O. 2462.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 145/2015) of the Central Government Industrial Tribunal-cum-Labour Court No. I, Delhi as shown in Annexure, in the industrial dispute between the employers in relation to the Commissioner, East Delhi Municipal Corporation, New Delhi and their workman, which were received by the Central Government on 28.09.2017.

[No. L-42011/54/2015-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE**IN THE COURT OF SHRI AVTAR CHAND DOGRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO.1, KARKARDOOMA COURT COMPLEX, DELHI****ID No. 145/2015**

The General Secretary,
MCD General Mazdoor Union,
Room No.95, Barrack No.1/10,
Jam Nagar House, Shah Jahan Road,
New Delhi

...Workman

Versus

The Commissioner,
East Delhi Municipal Corporation,
Udyog Sadan, Plot No.419,
Patparganj Industrial Area,
Shahdara,
New Delhi 110 092

...Management

AWARD

This award shall dispose of a reference received from Ministry of Labour and Employment vide Order No.L-42011/54/2015-IR(DU) dated 18.06.2015 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947(in short the Act) for adjudication of an industrial dispute, terms of which are as under:

‘Whether Shri Rohtas S/o Shri Prem Raj is entitled to the promotion of Garden Chaudhary from the date when his juniors were promoted as regular Garden Chaudhary with effect from 04..03.2014? If so, what directions are necessary in this respect?’

2. Claim statement was filed by the claimant herein averring that he has been performing duties of regular mali with effect from 1995 and has completed more than 18 years of service. As per un-notified recruitment rules, claimant is entitled to promotional post of Chaudhary and no minimum qualification is prescribed. The claimant was allowed to sit in the Trade Test and he had secured 78% marks but due to wring interpretation of the unnotified recruitment rules, the claimant was not promoted as he is not 10th pass with Agriculture. Juniors to the claimant were promoted to the post of Garden Chaudhary with effect from 04.03.2014. Hence the management has not only violated the un-notified recruitment rules but also violated Article 14 & 16 of the Constitution of India. Hence the management has indulged in unfair labour practice and non-grant of promotion to the claimant is totally illegal, unfair, unjust and discriminatory.

3. Claim was demurred by the management taking various preliminary objections, inter alia of the claim being without any cause, not possessing requisite qualification, policy decision being taken by North Delhi Municipal Corporation etc. On merits, management has admitted the factum of appointment of the claimant as mali on 01.04.1995. As per the existing rules for the post of Garden Chaudhary, malis having eight years of regular service in the grade and possessing qualification of 10th pass with Agriculture are eligible for promotion to the next post. The management has denied the remaining material facts contained in the statement of claim.

4. Against this factual background, based on pleadings of the parties, this Tribunal vide order dated 03.08.2016 framed the following issues:

- (i) Whether the claim is not legally maintainable in view of the preliminary objections?
- (ii) As in terms of reference

5. Claimant, in support of his case, examined himself as WW1 and Shri B.K. Prasad as WW2 and tendered in evidence their affidavit Ex.WW1/A & Ex.WW2/A and also tendered in evidence documents Ex.WW1/1 & Ex.WW1/2 and Ex.WW2/1 to Ex.WW2/4 respectively. Management, in order to rebut the case of the claimant, examined Shri Vijay Pal Sharma, Assistant Director as MW1, whose affidavit is Ex.MW1/A. No documents were relied by the management witness.

6. I have heard Shri B.K. Prasad, A/R for the claimant and Shri Sandeep Kaushik, A/R for the management.

7. Issue No.(i) and (ii) are being taken up together as the same are inter-related and can be disposed of together.

8. It was strongly contended on behalf of the workman that juniors to the claimant were allowed to participate in the promotional quota on regular basis but he was denied on the grounds that he was not possessing the requisite qualification of 10th Agriculture.

9. The main attack of the management is that the claimant herein was not having requisite qualification, as such, there is no question of grant of pay scale of Garden Chaudhary to the claimant from 04.03.2014. There is no merit in the stand taken by the management in its reply, that the workman herein is not entitled for promotion to the post of Chaudhary inasmuch as he does not possess the requisite qualification though he has appeared in the trade test conducted by the department and secured 78%. To my mind, this plea is devoid of any merit inasmuch as similarly situated other workers who were performing duties of Chaudhary, i.e. acting Chaudhary have been granted pay scale of Garden Chaudhary after judgement dated 27.07.2011 rendered by the Hon'ble High Court in the case of MCD vs. Sultan Singh as well as MCD vs. Mahipal(WP 5550 of 2010). Operating portion of the judgement in Sultan Singh (supra) of the Hon'ble Division Bench is as under:

“28. Considering the entire facts and circumstances it is apparent that the claim of the respondents have always been that they should be paid the difference in pay of Mali/Chowkidar and the Garden Chaudhary as they were made to work on the post of Garden Chaudhary whereas the petitioner had first denied that they worked as Garden Chaudharies, then took the plea that the Assistant Director (Horticulture) was not competent to ask the respondents to work as Garden Chaudharies and that the respondents cannot be appointed to the post of Garden Chaudharies in accordance with the recruitment rules. There is no doubt that respondents are not claiming appointment to the post of Garden Chaudharies on account of having worked on ad-hoc basis on the post of Garden Chaudhary contrary to rules or that some of them not having the requisite qualifications are entitled for relaxation.

29. In the entirety of facts and circumstances therefore, the learned counsel for the petitioner has failed to make out any such grounds which will impel this Court to exercise its jurisdiction under Article 226 of the Constitution to set aside the orders of the Tribunal dated 29th January, 2010 and 7th October, 2010 as no illegality or un- sustainability or perversity in the orders of the Tribunal has been made out.

30. The writ petition is, therefore, dismissed. Parties are left to bear their own cost.”

10. It is further clear that SLP was also filed by MCD before the Hon'ble Apex Court vide IA No.2 WP for special leave S20069/2011 MCD vs. Sultan Singh and others which was also dismissed as withdrawn vide order dated 09.04.2012. It is further clear that the Hon'ble High Court in Sultan Singh case strongly deprecated the stand taken by the management that the workmen were not possessing requisite qualification or have not qualified the test etc. It was clarified that since the workmen were discharging duties to the post of Garden Chaudhary, a such, workmen were entitled for the salary of Garden Chaudhary and competent authority need not look into anything else except the fact that the workman had worked as Garden Chaudhary. Therefore, stand taken by the management that the workman herein does not possess requisite qualification is without any merit and has no relevance so far as question of grant of promotion to the post of Garden Chaudhary is concerned.

11. It is not out of place to mention here that even if the workman herein was not a party in Sultan Singh case referred above, judgement of the Hon'ble High Court is binding on the management and management is required to implement the same in letter and spirit and the same is judgement in rem, and all similarly situated workmen are required to be accorded the benefit of the said judgement of the Hon'ble High Court, which have become final.

12. Further, position of the claimant herein is far better than those malis who were working as acting Chaudhary or officiating as Chaudhary but were still granted benefit of pay-scale of Chaudhary in view of the judgement passed by Hon'ble High Court in the case of Sultan Singh case (supra), as discussed above. In the present case, admittedly claimant has passed the trade test. However, he was not considered for promotion by the management for the reason that he is not matric pass with Agriculture as one of the subjects. To my mind, there is no question of denial of promotion to the claimant herein inasmuch as qualification of matric with Agriculture as one of the subjects is not necessary in the case of departmental candidates as is clear from the extract of the recruitment rules for the post of Chaudhary:

‘Hedgeman and machineman with 5 years regular respective grade in mali, chowkidar and Bullockman with 8 years regular service in the respective grade.’

13. Since the claimant has passed trade test conducted by the department, therefore, absence of his qualification of matric with Agriculture as one of the subjects, cannot stand in his way for promotion as the same is not sine qua non for promoting a mali to the post of Chaudhary.

14. As a sequel to may above discussion, it is held that Shri Rohtas, the claimant herein, is entitled to be promoted to the post of Garden Chaudhary from 04.03.2014, i.e. the date when his juniors were promoted as regular Garden Chaudhary. An award is accordingly passed. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dated : September 21, 2017

A. C. DOGRA, Presiding Officer

नई दिल्ली, 11 अक्टूबर, 2017

का.आ. 2463.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 12/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.10.2017 को प्राप्त हुआ था।

[सं. एल-22012/311/1999-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 11th October, 2017

S.O. 2463.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 12/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in Annexure, in the industrial dispute between the management of M/s. BCCL and their workmen, received by the Central Government on 06.10.2017.

[No. L-22012/311/1999-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL****PRESENT :** Sri Pramod Kumar Mishra, Presiding Officer**REFERENCE NO. 12 OF 2000****PARTIES :**

The management of Victoria West Colliery of M/s. BCCL

Vs.

Shri Ajit Kumar Paul

REPRESENTATIVES :

For the management : Sri P. K. Das, Learned Advocate

For the union (Workman) : None

Industry : Coal

State : West Bengal

Dated: 12.09.2017

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter **NO. L-22012/311/99-IR(CM-II)** dated 24.01.2000 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Victoria West Colliery under M/s. BCCL in denying regularization of the service of Sh. Ajit Kumar Paul as Typist is justified? If not, to what relief Sh. Paul is entitled ?”

1. Having received the Order **NO. L-22012/311/99-IR(CM-II)** dated 24.01.2000 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference Case No. **12 of 2000** was registered on 07.02.2000. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative.

2. The workman Shri Ajit Kumar Paul has filed written statement through union representative, has alleged in his written statement that he was offered employment in place of his father Shri Dwija Pada Paul who was declared medically unfit as per provisions of National Coal Wage Agreement. Shri Ajit Kumar Paul was initially appointed as Typist (Trainee) in category - I subject to verification of Educational Certificate vide Ref. No. M/s. BCCL-PA/VI-3(8) A-XIII/41/91/33156-59 dated 03.11.1991 / 03.12.1991, Employment No. GM/PM/XII/03/A7/Disability/92/1551 dated 19/22.05.1992. As per approval sheet it was mentioned that Shri Ajit Kumar Paul who was offer the job of Typist (Trainee) will be regularized in Clerk Grade - II after completion of period of training. As per offer of appointment period of probation was 1 (One) year. On receipt of Appointment Letter Shri Ajit Kumar Paul reported for duty as Typist (Trainee) but he was not allowed to join the duty on ground of non-availability of vacancy. The designation of Shri Ajit Kumar Paul was changed from Typist (Trainee) to Underground General Mazdoor vide amended Letter No. BCCL/PA-VI-3(8) Ar.XII/41/91/21785-88 dated 18/19.08.1992 issued by the Headquarter. Shri Ajit Kumar Paul left with no alternative, joined as Underground General Mazdoor in category - I on 12.09.1992. In the mean time a permanent vacancy for the post of Typist has arisen at Victoria West Colliery of M/s. Bharat Coking Coal Limited. Applications were invited from serving employees. The applicant, Shri Ajit Kumar Paul applied for the said post and claimed preference. The then G.M. on the application of applicant passed the order that - "*He may be authorized to work as Typist (Trainee)*". Shri Ajit Kumar Paul continued to work as Typist independently from 21.07.1997 to 25.11.1999 i.e. continuously for a period of 2 (Two) years and 4 (Four) months. He was stopped from working as Typist and was directed to work as General Mazdoor Category - I w.e.f. 21.12.1999 vide Letter No. 1569 dated 21.12.1999 with vindictive attitude. He has been working as General Mazdoor under protest since 22.12.1999. He has requisite qualification for appointment as Typist (Trainee). He has worked to the entire satisfaction of his superiors for more than 2 (Two) years continuously against the vacant post of Typist. The applicant has prayed that the Tribunal may kindly direct the management of Victoria West Colliery of M/s. Bharat Coking Coal Limited to regularize the services of Shri Ajit Kumar Paul, General Mazdoor category - I as Typist in Clerical Grade - II w.e.f. 21.07.1997 and fix his pay accordingly from July, 1997 till date. And he was also prayed that he should be paid arrears arising out of the said regularization.

3. The Agent of Victoria West Colliery of M/s. Bharat Coking Coal Limited has alleged in his written statement that reference is misconceived one. Shri Ajit Kumar Paul was offered employment in place of his father Shri Dijopada Paul who was declared unfit during employment at Damagoria Colliery under C. V. Area of M/s. Bharat Coking Coal Limited. The concerned workman was appointed as Underground General Mazdoor in Category - I. Previous approval of Shri Ajit Kumar Paul regarding his appointment as Typist (Trainee) was changed by the Competent Authority from Typist (Trainee) to Underground General Mazdoor and the same was also accepted by Shri Ajit Kumar Paul, hence his question of his regularization as Typist in Grade - II doesn't arise as the terms of employment was changed. He worked as Underground General Mazdoor in Category - I. Shri Ajit Kumar Paul was deployed to work as Typist (Trainee) in Category - I on the basis of his application for a period of 3 (Three) months and with the clear terms that he will be paid wages of Category - I and this deployment was for a temporary period for exigency of the mine. Such authorization cannot confer any legal right for automatic regularization as Typist. The concerned workman was directed to work as Underground General Mazdoor in his existing category i.e. Category - I by the Project Officer of Victoria West Colliery of M/s. Bharat Coking Coal Limited by his letter dated 21.12.1991. The concerned workman complied with the said direction and he joined duty as Underground General Mazdoor and was deployed on the job of the Pump Operator. There is no violation of Section - 33 of Industrial Dispute Act, 1947. The Agent of Victoria West Colliery of M/s. Bharat Coking Coal Limited has prayed that the workman was not entitled to any relief in the matter of regularization as Typist.

4. The workman has alleged in his rejoinder written statement that the management has admitted that the initial appointment of Shri Ajit Kumar Paul as Typist (Trainee) was changed by M/s. Bharat Coking Coal Limited on the ground of no vacancy. Finding no alternative Shri Ajit Kumar Paul accepted the job of Underground Mazdoor. Due to permanent vacancy Shri Ajit Kumar Paul was directed to work as Typist. The statement of management is incorrect that on the basis of application of Shri Ajit Kumar Paul he was directed to work as Typist (Trainee). The statement of management is also incorrect that the applicant Shri Ajit Kumar Paul was allowed to work for 3 (Three) months. The fact is that Shri Ajit Kumar Paul was continued to work as Typist from 21.07.1997 to 21.12.1999 i.e. for a period of 2 (Two) years and 4 (Four) months. The claim of difference of wages cannot be denied by the management. The workman has denied the statement of management that the post of Typist (Trainee) Category - I was a temporary post.

5. The workman has filed the following documents :-

(i) Photocopy of the Head Quarter's approval for employment as Typist (T) Bearing No. BCCL-PA-VI-3(8)/Ar.Xii/41/91/33156-59 dated 03.11.1991 / 03.12.1991, (ii) Photocopy of the Offer of Employment issued by GM of CV Area bearing No. GM/Pm/Xii/03/A7/Disability/92/1551 dated 19/22.05.1992, (iii) Photocopy of the Amendment Order issued by the Head Quarter for changing the designation from Typist(T), (iv) Photocopy of the Application of the workman for the post of Typist dated 21.05.1997, (v) Photocopy of the Dy.CPM's Order No. 1688 dated 30.07.1997 for absorption of Shri Ajit Kumar Paul as Typist, (vi) Photocopy of the

Order No. 946 dated 01.08.1997 of Project Officer of Victoria West Colliery, (vii) Photocopy of the Letter No. 1659 dated 21.012.1999 of Project Officer of Victoria West Colliery, (viii) Photocopy of the Union's Letter raising I.D. before ALC(C), Asansol dated 21.10.1998, (ix) Photocopy of the FOC Report of ALC(C), Asansol dated 22.03.1999, (x) Photocopy of the Certificate from West Bengal Council of Higher Secondary Education, (xi) Photocopy of the Proficiency Certificate in Type Writing, (xii) Photocopy of the Relevant provision of S.O. of BCCL regarding re-classification of workers, (xiii) Photocopy of the Protest Letter of person concerned dated 25.12.1999, (xiv) Photocopy of the Order of Desk Officer of MOL&E dated 24.01.2000.

The workman, Shri Ajit Kumar Paul has filed affidavit in his oral evidence and he has been cross-examined by the Learned Advocate of the management.

The management of Victoria West Colliery of M/s. Bharat Coking Coal Limited has not filed any oral or documentary evidence.

6. The learned advocate of the workman Shri M. Mukherjee remained unturned for many years. He last appeared on 20.03.2012. Even after service of notice, the Tribunal fixed 26 (Twenty Six) dates, but the learned advocate of the workman Shri M. Mukherjee never appeared. I have heard the argument of Shri P. K. Das, learned advocate of the management of Victoria West Colliery of M/s. Bharat Coking Coal Limited.

7. It is not disputed that the workman has been appointed on compassionate ground in place of his father Shri Dwija Pada Paul who was declared medically unfit. It is also admitted fact that initially Shri Ajit Kumar Paul was appointed on the post of Typist (Trainee) for the period of 1 (One) year. In this regard various documents have been filed by the workman. The Deputy Personnel Manager by Letter No. BCCL/PA-VI/3(8)/Ar.XII/41/91/21785-88 dated 18/19.08.1992 has modified the appointment of Shri Ajit Kumar Paul and change his category from Typist (Trainee) to Underground General Mazdoor in Category - I and posted him at C.V. Area of M/s. Bharat Coking Coal Limited. The workman has admitted that since then he has been working as General Mazdoor Category - I from 12.09.1992. There is no doubt that initial Appointment Letter was issued to Shri Ajit Kumar Paul as Typist (Trainee) but subsequently modifying the previous order his cadre was changed and he was appointed as Underground General Mazdoor in Category - I. The Project Officer vide Letter No. VW/1204/Agent/946 dated 30.07.1997 / 01.08.1997 has directed the workman to work as Typist (Trainee) for 3 (Three) months.

8. From perusal of documents, pleadings and evidences of workman it is apparent that though initial Appointment Letter was issued as Typist (Trainee) but by modifying the Appointment Order the designation of the workman has been changed to Underground General Mazdoor in Category - I. The applicant who was appointed on compassionate ground willingly and voluntarily accepted the job and began to function as Underground General Mazdoor in Category - I. Mere possession of qualification will not create any right to be appointed or to be regularized on the post of Typist. Mere functioning on the post of Typist or even for 2 (Two) years or more will not create any right on the post of Typist (Trainee) because the applicant was not appointed on the post of Typist (Trainee).

The Hon'ble Apex Court in **State of Karnataka and Others v/s M. L. Kesari and Others reported in 2010 (127) FLR page 12** has held that :

"where the appointments are not made or continued against sanctioned posts or where the persons appointed does not possess the prescribed minimum qualifications, the appointments will be considered to be illegal."

9. In view of the above discussion the action of management of M/s. Victoria West Colliery of M/s. Bharat Coking Coal Limited in denying the regularization of service of Shri Ajit Kumar Paul as Typist is justified. Shri Ajit Kumar Paul is not entitled to any relief

ORDER

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 11 अक्टूबर, 2017

का.आ. 2464.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ईसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 35/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.10.2017 को प्राप्त हुआ था।

[सं. एल-22012/129/1996-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 11th October, 2017

S.O. 2464.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 35/1997) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of M/s. ECL and their workmen, received by the Central Government on 06.10.2017.

[No. L-22012/129/1996-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT : Sri Pramod Kumar Mishra, Presiding Officer

REFERENCE NO. 35 OF 1997

PARTIES :

The management of Madhabpur Colliery of M/s. ECL

Vs.

Shri Prabhu Narayan Harijan

REPRESENTATIVES :

For the management : None

For the union (Workman) : Shri Rakesh Kumar, Learned Union Representative

Industry : Coal

State : West Bengal

Dated: 22.09.2017

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter **NO. L-22012/129/96-IR(C-II)** dated 20.05.1997 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the management of Madhabpur Colliery under Kajora Area of M/s. ECL denial in considering the matriculation certificate for the purpose of correction of recorded age in service record of Sh. Prabhu Narayan Harijan, Timber Mazdoor is justified? If not, what relief he is entitled to ? ”

1. Having received the Order **NO. L-22012/129/96-IR(C-II)** dated 20.05.1997 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference Case No. **35 of 1997** was registered on 02.06.1997. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative.

2. The workman Shri Prabhu Narayan Harijan has filed written statement through his Union Representative, has alleged in written statement that he was appointed as P/R Underground Loader and posted at Naba Kajora Colliery of M/s. Eastern Coalfields Limited vide Appoint Letter No. KAJ/PM/C-6/18L/650 dated 27.08.1990. His age has been determined by the company's Medical Officer / company's Medical Board as 25 years as on 22.02.1990. According to this his date of birth is determined as 22.02.1965. Shri Prabhu Narayan Harijan had appeared at Intermediate examination conducted by the Board of High School & Intermediate Education, U.P. in March / April 1989 and he was declared successful. His date of birth is recorded as 13.06.1972 in the Transfer Certificate. The Matriculation Certificate is treated to be statutory certificate in terms of provisions contained in Implementation Instruction No. 76 of JBCCI. The date of birth recorded in Matriculation Certificate should be treated as authentic and accepted by the management for all practical purposes. The same date of birth has also been shown in the Character Certificate of Shri Prabhu Narayan Harijan issued by the Head Master of Shri Shri Sheopujan Inter College, Malsa / Gazipur. In case of employment in year 1990 as per provisions of Implementation Instruction No. 76 of JBCCI age recoded in

Matriculation Certificate shall prevail over other records because said certificate is statutory. The management is at liberty to get contents of the certificate verified by the board and accept his date of birth as recorded in Matriculation Certificate. The union has prayed that management be directed to accept the date of birth as recorded in Matriculation Certificate of Shri Prabhu Narayan Harijan.

3. The Agent of Madhabpur Colliery of M/s. Eastern Coalfields Limited has alleged in his written statement that Shri Prabhu Narayan Harijan son of Shri Ganga Harijan was appointed as P/R Underground Loader in Madhabpur Colliery of M/s. Eastern Coalfields Limited w.e.f. 21.09.1990. At the time of appointment his date of birth as assessed by the Medical Officer in Medical Examination as 25 years on 22.02.1990. Same has been recorded in B-Form Register. It has been accepted to be correct by the workman. He had put his signature thereon. The workman did not raise any dispute for several years, nor did he submit any Matriculation Certificate during his appointment. He is now stopped from challenging it. The employer seriously doubt and dispute the authenticity of the Certificate and reserved their right to comment on the same after inspection of the same and original. The workman is not entitled to any relief.

4. The workman has filed rejoinder written statement, has alleged in his rejoinder written statement that Admit Card, Mark Sheet as well as Certificate issued by the Board of Secondary Education / U.P. bears the date of birth of workman and it has to be relied upon. In case the employer has any doubt with regard to the genuineness of the Certificate they are at liberty to verify the same. Matriculation Certificate is a statutory certificate in terms of provisions contained in 1.1.76 of the JBCCI. Age record had to be established on the basis of Matriculation Certificate. In this instant case there is only a matter of correction of date of birth on the basis of Matriculation Certificate. The workman was appointed in August, 1990. But he passed the Matriculation Examination in the year 1989. Therefore the Matriculation Certificate is prior to his date of Appointment. Therefore there can not be any doubt in the veracity of the document.

5. The workman has filed the following documents :-

(i) Photocopy of the Letter of Appointment, (ii) Photocopy of the Admit Card for Intermediate Examination, 1989, (iii) Photocopy of the Mark sheet of Inter College, (iv) Photocopy of the Affidavit, (v) Photocopy of the Letter regarding Age Dispute addressed to the G.M. of Kajora Area, (vi) Photocopy of the Letter of Asst. Gen. Secy. addressed to the ALC(C), Raniganj, (vii) Photocopy of the Letter from Dy. CME of Madhabpur Colliery addressed to the ALC(C), Raniganj, (viii) Photocopy of the Letter of Asst. Gen. Secy. addressed to the ALC(C), Raniganj dated 30.07.1996, (ix) Photocopy of the High School Certificate, (x) Photocopy of the Certificate issued by the Principle of the Intermediate College, (xi) Photocopy of the Character Certificate, (xii) Photocopy of the Admit Card, (xiii) Photocopy of the Transfer Certificate, (xiv) Photocopy of the Intermediate Certificate, (xv) Photocopy of the Implementation Instruction No. 76 issued by JBCCI.

The workman Shri Prabhu Narayan Harijan has filed affidavit in his oral evidence but he has not been cross-examined.

The Agent of Madhabpur Colliery of M/s. Eastern Coalfields Limited has filled the following documents :-

(i) Photocopy of the Relevant Page of B-Form Register, (ii) Photocopy of the Appointment Letter of Shri Prabhu Narayan Harijan.

The management of Madhabpur Colliery have not filed affidavit in their oral evidence.

6. Earlier Shri Prasanta Banerjee was representing the case of M/s. Eastern Coalfields Limited, but for a long period he has been absent. The Tribunal sent notice to the Agent of M/s. Eastern Coalfields Limited on 09.09.2014 which was served on him. Though Sri P. K. Das, Learned Advocate of the management has often appeared before the Tribunal, but Sri P. K. Das never filed authorization, therefore he was unable to argue the case. The Tribunal had no option left except to proceed ex-parte. The Tribunal proceeded ex-parte against the Madhabpur Colliery of M/s. Eastern Coalfields Limited on 23.08.2016.

7. I have heard the argument of Shri Rakesh Kumar, union representative on behalf of the workman, Shri Prabhu Narayan Harijan.

8. Shri Rakesh Kumar, representative for the workman argued that as per Matriculation Certificate the age of concerned workman Shri Prabhu Narayan Harijan is 13.06.1972, but his date of birth has been assessed in the Medical Examination as 25 years which is incorrect. His date of birth recorded in Matriculation Certificate should be accepted by the management. He has passed the Matriculation Examination prior to his appointment. He has relied on Section No. 76 of JBCCI.

9. It is not disputed that Shri Prabhu Narayan Harijan has been appointed by M/s. Eastern Coalfields Limited on 27.08.1990. His date of birth has been assessed by the Medical Officer of M/s. Eastern Coalfields Limited as 25 years on 22.02.1990. According to this assessment his date of birth is determined as 22.02.1965. The argument of Shri Rakesh Kumar, representative of the workman Shri Prabhu Narayan Harijan is that as per certificate of High School his

date of birth is 13.06.1972 same should be accepted by the management. As per the implementation of the Section No. 76 of JBCCI, there is guideline for determining the age of the employees. In case if the appointee had passed the Matriculation or equivalent exam the date of birth recorded in the certificate shall be treated as correct date of birth and the same will not be altered under any circumstances.

10. The then General Manager of Kajora Area of M/s. Eastern Coalfields Limited had issued appointment letter to Shri Prabhu Narayan Harijan on 27.08.1990 vide Ref. No. KAJ/PM/C-6/18(L)/650. His date of birth has been assessed by the Medical Officer as 25 years on 22.02.1990. The workman has filed copy of High School Certificate. The applicant Shri Prabhu Narayan Harijan has passed High School Examination in the year 1987. His date of birth has been record as 13.06.1972. The name of workman in High School certificate mentioned as 'PRABHU NARAIN' son of 'GANGA RAM', whereas in the appointment letter his name is mentioned as 'Shri Prabhu Narayan Harijan'. There is discrepancy in the name recorded in the High School Certificate, Intermediate Certificate and the Appointment Letter. The applicant has passed the High School Examination in 1987. This certificate has been issued on 22.06.1987, whereas his Appointment Letter has been issued in 27.08.1990. He has passed his Matriculation Examination three years before the date of appointment. He has stated in his affidavit filed in his oral evidence :

" That I submitted and Produced my Matriculation Certificate and T.C. issued from the school but the doctor not accepted the same and decided my age as per their choice.

That the reason of not accepting the certificate was that my name is written in my School certificate as PRABHUNARAYAN, S/o. Ganga Ram. My Surname Harijan is not written in certificate issued by the board. "

This statement indicates that he was aware at the time of appointment that there is discrepancy in his name. Therefore, at the time when he received the Appointment Letter before the joining the service, he ought to have been requested to Appointing Authority for correction of his name, but he willingly accepted the name recorded in the Appointment Letter. Though the workman has filed the affidavit in this regard, but on the basis of the affidavit it can not be held that 'Shri Prabhu Narayan Harijan' is the same as 'Prabhu Narain' as recorded in the Matriculation Certificate. It is relevant to note that the workman has not requested for change of his name in his official records. If the management is suspicious about the veracity of the certificate then how the management can be directed to accept the date of birth recorded in the Matriculation Certificate.

11. In the light of above discussion the action of management of Madhabpur Colliery of M/s. Eastern Coalfields Limited in denying for considering the age record in the Matriculation Certificate for purpose of correction of recorded age in service record of Shri Prabhu Narayan Harijan Timber Mazdoor is justified. The workman is not entitled to any relief.

ORDER

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 11 अक्टूबर, 2017

का.आ. 2465.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स फूड कारपोरेशन ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 294/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03.10.2017 को प्राप्त हुआ था।

[सं. एल-22011/3/2011-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 11th October, 2017

S.O. 2465.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. CR No. 294/2011) of the Central Government Industrial Tribunal-cum-Labour Court No.1, New Delhi as shown in Annexure, in the industrial dispute between the management of M/s. Food Corporation of India and their workmen, received by the Central Government on 03.10.2017.

[No. L-22011/3/2011-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE**IN THE COURT OF SHRI AVTAR CHAND DOGRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO.1, KARKARDOOMA COURT COMPLEX, DELHI****ID No. 294/2011**

The Joint Secretary,
Food Corporation of India (Handling)
Workers Union, 8654,
Arakshan Road, Paharganj,
New Delhi – 110055

...Workman

Versus

The Deputy General Manager:IR (Labour),
Food Corporation of India,
HQR, 16-20, Barakhamba Road,,
New Delhi

...Management

AWARD

A reference was received in the present case from the Ministry of Labour vide letter No.L-22011/3/2011-IR(CM-II) dated 08.08.2011 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947(in short the Act) for adjudication of an industrial dispute, terms of which are as under:

‘Whether the demand of the Food Corporation of India Handling Workers Union for withdrawal of order of transfer of 15 gangs from FCI FSD Narela (Delhi Region) to Rajasthan State is just, fair and legal? To what relief the concerned workmen are entitled to?’

2. Claim statement was filed by the claimant union averring therein that Union is duly registered under the Trade Union Act 1926 vide registration No.4900 and is having its registered office at 8654 Arakashan Road, Paharganj, New Delhi being represented through its General Secretary Shri Maheshwar Mahto who is well conversant with the facts and circumstances of the case. The union consists of workers employed by Food Corporation of India (in short the management) or by contractors for the management in various depots, railheads and offices of the FCI throughout the country to do the handling operations of foodgrains. The affairs of the union are governed its constitution which has cast an obligation amongst others to espouse the cause of its members for the betterment and amelioration of their service conditions. The management is a corporation set up by the Central Government under Section 2 of the FCI Act 1964 for the purpose of procurement, storage, preservation, salvaging, weighment, standardization, transportation and distribution of foodgrains through the PDS system in the entire country.

3. Departmental workers and direct payment system workers are regular/permanent workers of the management and service benefits like wages, ex-gratia, bonus, incentive, overtime allowance, fixation of duty hours and norms, medical facility etc. are all rendered to the workers by way of bipartite settlements between the management and workers union.

4. Management vide its letter No.IR-i(1)/2006-08/NZ/Vol.I dated 05.05.2009 addressed to the General Manager (Region) directed 15 junior most gangs to be relieved from Delhi Region to Rajasthan Region. The General Manager(Region) vide letter dated 20.05.2009 directed the Area Manager, District Office Shakti Nagar to relieve 15 junior most departmental labour gangs from Delhi to Rajasthan region. Accordingly District Office Shakti Nagar vide order dated 28/29.05.2009 transferred 15 labour gangs to different depots in Rajasthan Region in accordance with their seniority.

5. It is pertinent to mention that no seniority list was prepared at Regional level though it was decided at the meeting held with the management on 23.07.2009 to sort out matters regarding merger of gangs, fixation of seniority, appointment on compassionate grounds, promotions and transfers etc. The management does not have any transfer policy for the transfer of departmental and DPS workers of the management and transfer of 15 gangs is not based on just and fair policy and is discriminatory and is liable to be quashed. It appears that management of FCI is seized with the wrong notion as the 15 gangs of Narela depot have been declared junior most as their seniority has been reckoned from the date of joining Narela depot instead of the date of joining the management as DPS/Departmental labour. Prior to 1973, workers were working under contract labour system in Naraina, Shakti Nagar, CTO, Shahdara, RP Bagh and Okhla in Delhi Region. Out of these Depots, Shahdara was a hired depot. In 1972\3 vide settlement dated 23.05.1973 Naraina, Shakti Nagar and CTO was departmentalised with effect from 15.06.1973 along with many other depots. In 1975 during agitation launched by workers union departmental workers from Shakti Nagar and Shahdara were shifted to Naraina. In Shahdara and Shakti Nagar food handling operations were carried out through workers engaged by contractors. In 1980 contract workers from Shahdara were shifted to Shaktinagar. In 1981 contract labour system was done away with and Three Member Committee System (Mate system) was introduced.

6. In 1986 vide agreement dated 03.07.1986 between the management and the workers union, Shakti Nagar, Ghaziabad, Sahibabad along with other depots was brought under direct payment system. In 1984 a new depot at Ghevra was built up and contract labour system was introduced. In 1986-87 depot was set up in Narela and good handling operations were got carried by contract workers and some workers started leaving the gang. In 1988 and 1991 some gangs were transferred from Sahibabad to Narela. In 1991-92 some labour gangs were transferred from Shakti Nagar to Narela. All labour gangs presently working in Narela depot were either transferred or shifted from other depots. Details of transfer/shifting of labour gangs from other depots are as under:

Date	From	To	Gang Nos.
17.11.1988	Sahibabad (UP)	Narela	1 to 8
26.12.1988	-do-	-do-	9, 11 to 13
09.04.1991	Shakti Nagar	-do-	17 to 23
26.04.1991	Sahibabad (UP)	-do-	1B
30.05.1991	-do -	-do-	2B, 3B & 11B
02.07.1992	Shakti Nagar	-do-	9B, 10B, 11C, 12B, 13B, 15 & 16
16.04.1993	R.P. Bagh	-do-	10A
1993	CTO (New Delhi)	-do-	7B & 14

7. In 1991, 8 labour gangs were transferred/shifted to CTO and all departmental workers working in CTO were shifted to Naraina depot. In 1994 vide settlement dated 01.11.1994 Shakti Nagar/CTO and Narela depots were departmentalized with effect from 01.01.1994. However, pay of DPS workers was fixed from 01.01.1998. Thus, seniority of the workers of Narela depot should atleast be reckoned from 01.01.1998. However, seniority of labour gangs of Narela has to be reckoned from the date when they were brought under direct payment system, i.e. 01.05.1986.

8. Ghevra depot was departmentalized in 1991 and the gangs working therein were accorded seniority from 1991 wherein they were brought under departmental system from 'no work no pay system'. Ghevra depot was never brought under direct payment system. Hence, it is clear that 15 gangs of Narela depot ordered to be transferred permanent Delhi to Rajasthan Region are not junior most gangs as alleged by the management and is illegal and unjust. There are many labour gangs in Ghevra depot which are junior to the 15 labour gangs in Narela depot.

9. Workers working in Depots/godowns of the management under one appointing authority cannot be transferred to depots/godowns under another appointing authority. Area managers are appointing authority of departmental/direct payment system/No work no pay system labourers in the godowns owned and/or operated by the management. Hence, departmental/DPS workers can only be transferred from one depot to another within the same FCI District office. Finally, it has been prayed that the reference may be decided in their favour.

10. Statement of defence was filed on behalf of the management taking preliminary objections that it is settled legal principle that liability to be transferred is a condition of service of workmen. Departmental workers are liable to be transferred to depots of the management anywhere in India therefore the claimant union cannot assail the transfer order and the management has a right to re-organize its work in the manner it pleases. Further from the statement of claim it is also clear that in the past also workers from one depot was transferred to another. The 15 junior most gangs from Narela Depot were transferred to Rajasthan Region due to administrative exigency. The transferred workmen retain their service conditions intact to which they are transferred. Management has denied the other material averments contained in the statement of claim.

11. Based on the pleadings of the parties, my learned predecessor vide order dated 11.07.2011, opined that no issue, other than those referred for adjudication is made out.

12. Claimant, in order to prove his case against the management, examined Shri Hari Kant Sharma as WW1 and his affidavit is Ex.WW1/A. Shri Sharma also relied on documents Ex.WW1/1 to Ex.WW1/9.

12. In the meanwhile, Shri Hari Kant Sharma, ceased to be President of FCI Handling Workers Union and hence claimant union filed affidavit of Shri Madan Singh in evidence. However, in the meanwhile it was stated by authorized representatives of the respective parties that the controversy in the present case is regarding transfer of the claimants herein and the oral evidence is not required to appreciate the controversy in the matter and the same can be appreciated by documentary evidence. Hence, parties were granted opportunity to file documentary evidence in support of their respective pleadings.

13. In the meanwhile, claimant filed letter No.IR(L)/9(1)/2016/NZ dated 12.05.2017 wherein the management has cancelled transfer orders of the labourers from Delhi Region to Punjab, Rajasthan and Haryana, which is also cause of action in the present dispute. With the withdrawal of the transfer orders by the management, the claim of the claimant union stands satisfied and nothing survives for consideration. An award is accordingly passed. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dated : 21 August, 2017

A. C. DOGRA, Presiding Officer

नई दिल्ली, 11 अक्टूबर, 2017

का.आ. 2466.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स फूड कारपोरेशन ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 173/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03.10.2017 को प्राप्त हुआ था।

[सं. एल-22012/9/2006-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 11th October, 2017

S.O. 2466.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. CR No. 173/2011) of the Central Government Industrial Tribunal-cum-Labour Court No.1, New Delhi as shown in Annexure, in the industrial dispute between the management of M/s. Food Corporation of India and their workmen, received by the Central Government on 03.10.2017.

[No. L-22012/9/2006-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

IN THE COURT OF SHRI AVTAR CHAND DOGRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO.1, KARKARDOOMA COURT COMPLEX, DELHI

ID No. 173/2011

The General Secretary,
Food Corporation of India (Handling)
Workers Union, 8654,
Arakshan Road,
New Delhi – 110055

...Workman

Versus

The Deputy General Manager:IR (Labour),
Food Corporation of India,
HQR, 16-20, Barakhamba Road,
New Delhi

...Management

AWARD

A reference was received in the present case by Central Government Industrial Tribunal-cum-Labour Court No.2 from the Ministry of Labour vide letter No. L-22012/9/2006-IR(CM-II) dated 10.05.2007 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947(in short the Act) for adjudication of an industrial dispute, terms of which are as under:

‘Whether the demand of the Union against the management of FCI for the action of transferring the Ancillary Labour from Delhi Region to Punjab Region on Depot-wise seniority basis in place of Regional seniority basis is legal and justified? If so, to what relief are the workmen entitled?

2. Claim statement was filed by Food Corporation of India (Handling) Workers Union (in short the claimant union) averring therein that the Union is duly registered under the Trade Union Act 1926 vide registration No.4900 and is having its registered office at 8654 Arakashan Road, Paharganj, New Delhi being represented through its General Secretary Shri Maheshwar Mahto who is well conversant with the facts and circumstances of the case. The union consists of workers employed by Food Corporation of India (in short the management) or by contractors for the management in various depots, railheads and offices of the FCI throughout the country to do the handling operations of foodgrains. The affairs of the union are governed its constitution which has cast an obligation amongst others to espouse the cause of its members for the betterment and amelioration of their service conditions. The management is a corporation set up by the Central Government under Section 2 of the FCI Act 1964 for the purpose of procurement, storage, preservation, salvaging, weighment, standardization, transportation and distribution of foodgrains through the PDS system in the entire country.

3. The union wrote a letter dated 15.12.2003 to the Zonal Manager (North) now called Executive Director, Food Corporation of India Sector 24, NOIDA, Uttar Pradesh expressing therein the apprehension of mass transfer of Ancillary Labourers from Delhi Region. The Union through the said letter made a request to the management not to go on with any move if contemplated by them to transfer the ancillary labourers from Delhi Region to any other region, due to various reasons including the fact that their children are studying here, inability to maintain two establishments etc. The Senior Regional Manager (now General Manager: Region) intimated the District Manager (Now Area Manager) District Office Shakti Nagar/Mayapuri to withhold transfer orders of two departmental labour gangs and 196 ancillary labours from Delhi Region to Rajasthan/Punjab Region. Zonal Office: North of the management at NOIDA issued letter to the Senior Regional Manager Regional Office: New Delhi informing him that transfer orders of 196 ancillary labourers which were kept in abeyance would be released on or from 31.03.2004 itself. Thereafter the Senior Regional Manager also write letter to the District Manager (Area Manager) District Office, Mayapuri/Shakti Nagar making reference to letter dated 25.02.2004 issued from Zonal Office. The Union thereafter sent a letter dated 15.03.2004 to the Zonal Manager (North) NOIDA requesting therein to prepare seniority list of ancillary labourers of the entire Region of Delhi before effecting mass transfer of the ancillary workers from Delhi to Punjab Region.

4. Pursuant to the letter issued from Zonal Office and Regional Office, District Office Shakti Nagar issued an order for transfer of 113 ancillary labourers from Narela Depot to Punjab Region. The transfer order was to be released or not from 31.03.2004.

5. Workers of the management are divided into two categories: handling workers and Ancillary Workers. Handling workers are workers who perform the job of loading, loading, stacking, de-stacking, restacking, weighment of bags of foodgrains, standardization, weighment, salvaging of foodgrains etc. Ancillary workers are engaged in sticking gunny bags, collecting the spilled foodgrains, cleaning the floor, opening and closing of shutters, making clay, mounting covers, bringing to and from electric department the ladder and climbing electric poles, serving water to various depot officials, cutting grass, posting letters. Ancillary workers are further divided into categories of departmental ancillary labours and direct payment system ancillary labours in Delhi Region. Management has declared 196 ancillary labour to be surplus for reasons best known to them. As per the statement of the Senior Regional Manager (now General Manager (Region), Delhi region, strength of departmental ancillary labours in the month of April 2004, there was shortage of 46 ancillary labour in FCI Mayapuri, Delhi, shortage of 3 ancillary labour in CTO Depot, excess of 19 ancillary labour in Ghevra Depot and shortage of 25 ancillary labour in Narela Depot. Therefore, adjusting the excess 19 ancillary labour there still remains an overall shortage of 55 ancillary labour in Delhi Region. Management during conciliation stated that seniority of ancillary workers declared surplus in Delhi Region has been prepared depot wise. However, the union stated that seniority list of ancillary labour of Delhi Region is not just and logical and hence not acceptable as the 196 ancillary labour have been declared surplus taking into account all ancillary labour of Delhi Region. Further surplus workers may face consequences of retrenchment and hence the act of declaring surplus warrants observance of the rule of ‘First come last go’ or ‘last come first go’. If the ancillary labour are transferred as per seniority list, senior ancillary labour will be transferred, which is unjust, illegal and against the principles. Thus the transfers are arbitrary and malafide and deserves to be discouraged and castigated. Finally, it has been prayed that order/letter No.IR-3/96 NZ/Vol.I.II/Pt.II dated 28.04.2002 be quashed and decide the reference in the claimants favour.

6. Claim was demurred by the management by filing statement of defence wherein it is averred that the workmen who were juniors were proposed to be transferred whereas the union demanded transfer on the basis of seniority at regional level despite knowing the fact that there is no provision to maintain seniority region wise in respect of department level. 196 ancillary workers were transferred for their gainful utilization and to save expenditure as non-utilisation of ideal labourers gainfully may lead to their retrenchment. There was administrative requirement 15 years back and now seniority of the workmen is being maintained depot wise as per MOU dated 25.05.1984 signed by the

union. The date of departmentalization and date of birth of workers have been taken into consideration while preparing the seniority list. Labourers were transferred from some of the depots which were closed but seniority was determined as above. Transfers of workers were made on their request and on humanitarian grounds. Further, there is no practice of maintaining seniority list on the basis of regional office particularly in North Zone. Handicapped workers and ladies have not been transferred. There is no justification to accommodate the surplus workers without useful utilization of their service. Other employees, including Class IV of the management ancillary labour face the same problems when transferred from one State to another. Transfer orders regarding 196 ancillary labourers have been revised on the basis of fresh requirements from Haryana and Punjab region to 52 ancillary labourers vide letter No. IR-3/96-NZ/Vol. IV dated 15.12.2005, hence the dispute does not survive. The other material averments contained in the statement of claim have been denied by the management. Finally it has been prayed that the reference be decided in favour of the management.

7. Vide order No. Z-22019/6/2007-IRC-II dated 30.03.2010 the appropriate Government transferred the case to this Tribunal for adjudication.

8. Based on the pleadings of the parties, my learned predecessor vide order dated 11.07.2011, opined that no issue, other than those referred for adjudication is made out.

9. Claimant union, in order to prove their case, examined Shri Hari Kant Sharma as WW1 whose affidavit is Ex. WW1/A. He relied on documents Ex. WW1/1 to Ex. WW1/16. Management, in order to rebut the case of the claimant union, examined Shri Tapas Ranjan Sethi as MW1, whose affidavit is Ex. MW1/A and he also relied on documents Ex. MW1/1 to Ex. MW1/9. Shri Tapas Ranjan Sethi was thereafter transferred to Guwahati and management filed affidavit of Shri Devendra Chaumal. In the meanwhile, claimant filed letter No. IR(L)/9(1)/2016/NZ dated 12.05.2017 wherein the management has cancelled transfer orders of the labourers from Delhi Region to Punjab, Rajasthan and Haryana, which is also cause of action in the present dispute. With the withdrawal of the transfer orders by the management, the claim of the claimant union stands satisfied and nothing survives for consideration. An award is accordingly passed. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dated : 23 August, 2017

A. C. DOGRA, Presiding Officer

नई दिल्ली, 11 अक्टूबर, 2017

का.आ. 2467.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कांडला पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ सं. 32/2015) को प्रकाशित करती है जो केन्द्रीय सरकार को 11.10.2017 को प्राप्त हुआ था।

[सं. एल-37011/01/2015-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 11th October, 2017

S.O. 2467.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 32/2015) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Kandla Port Trust and their workmen, received by the Central Government on 11.10.2017.

[No. L-37011/01/2015-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 06th September, 2017

Reference: (CGITA) No. 32/2015

The Chairman,
Kandla Port Trust,
Administrative Office,
Post Box No. 50, Gandhidham,
Kutch (Gujarat) – 370201

...First Party

V/s

The President,
Kandla Port and Dock Employees' Union,
A-157, Shakti Nagar, Gandhidham,
Kutch (Gujarat) – 370201

...Second Party

For the First Party : Shri K.V. Gadhia

For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-37011/01/2015-IR(B-II) dated 20.03.2015 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of Kandla Port Trust, Gandhidham in terminating the services of these daily rated 13 workmen listed below with effect from 24.04.2009 and not considering them for further employment under Section 25 H of the Industrial Disputes Act is just, fair and legal? If so, to what relief are these workmen entitled?”

List of Workmen: S/Shri (1) Prakash Mohan, (2) Devilal Bherulal Tak, (3) Dinesh Mera, C (4) Dharmendra Jetha, (5) Rajendra Tarachand, (6) Ramesh Kewalram, (7) Manoj Ramesh, (8) Umar Siddiq, (9) Haji Daud, (10) Mangilal Venaram, (11) Jusuf Kara, (12) Kana Bhima Koli and (13) G. Gangaiya.

1. The reference dates back to 20.03.2015. Both the parties were served by registered post and the first party submitted the vakalatpatra Ex. 5 of his advocate on today. But the second party union did not prefer to submit their statement of claim despite giving half a dozen opportunities from the date of service of notice to him on 09.02.2016, the date of the acknowledgement of the service of the notice.
2. Thus it appears that the second party is not willing to prosecute the reference.
3. Therefore, the reference in the absence of the pleadings of the workman's union, is with the observation as under: “the action of the management of Kandla Port Trust, Gandhidham in terminating the services of these daily rated 13 workmen listed below with effect from 24.04.2009 and not considering them for further employment under Section 25 H of the Industrial Disputes Act is just, fair and legal.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 अक्टूबर, 2017

का.आ. 2468.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कांडला पोर्ट ट्रस्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ सं. 51/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 11.10.2017 को प्राप्त हुआ था।

[सं. एल-37011/04/2012-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 11th October, 2017

S.O. 2468.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 51/2013) of the Central Government Industrial Tribunal-cum-

Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Kandla Port Trust and their workmen, received by the Central Government on 11.10.2017.

[No. L-37011/04/2012-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 06th September, 2017

Reference: (CGITA) No. 51/2013

The Chairman,
Kandla Port Trust,
Administrative Office,
Post Box No. 50, Gandhidham,
Kutch (Gujarat) – 370201

...First Party

V/s

The General Secretary,
Transport and Dock Workers Union,
21, Yogesh Building, Plot No. 586,
12-C, Gandhidham,
Kutch(Gujarat) – 370201

...Second Party

For the First Party : Shri K.V. Gadhia

For the Second Party : Shri N.H. Rathod

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-37011/04/2012-IR(B-II) dated 31.01.2013 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of Kandla Port Trust by taking unilateral decision to handover the port activity to Private Operator either under so called PPP/BOT Model is justified? What relief the union is entitled to?”

1. The reference dates back to 31.01.2013. Both the parties appeared but did not prefer to submit their submissions. Shri N.H. Rathod, advocate for the second party workman, today on 06.09.2017 did not press the reference.
2. Therefore, the reference is finally disposed of as not pressed.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 अक्टूबर, 2017

का.आ. 2469.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कांडला पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ सं. 46/2010) को प्रकाशित करती है जो केन्द्रीय सरकार को 11.10.2017 को प्राप्त हुआ था।

[सं. एल-37011/8/2009-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 11th October, 2017

S.O. 2469.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 46/2010) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Kandla Port Trust and their workmen, received by the Central Government on 11.10.2017.

[No. L-37011/8/2009-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 06th September, 2017

Reference: (CGITA) No. 46/2010

The Chairman,
Kandla Port Trust,
Administrative Office,
Post Box No. 50, Gandhidham,
Kutch (Gujarat) – 370201

...First Party

V/s

The General Secretary,
Transport and Dock Workers Union,
21, Yogesh Building, Plot No. 586,
12-C, Gandhidham,
Kutch(Gujarat) – 370201

...Second Party

For the First Party : Shri K.V. Gadhia

For the Second Party : Shri N.H. Rathod

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-37011/8/2009-IR(B-II) dated 15.02.2010 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the Chairman, Kandla Port Trust, P.O. Box No. 50, Gandhidham in not filling up the lying vacant posts in Electrical Department of Kandla Port Trust and awarding existing works of regular nature to contractors is legal and justified? To what relief the workman of Department are entitled to?”

1. The reference dates back to 15.02.2010. Both the parties appeared but did not prefer to submit their submissions. Shri N.H. Rathod, advocate for the second party workman, today on 06.09.2017 did not press the reference.
2. Therefore, the reference is finally disposed of as not pressed.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 अक्टूबर, 2017

का.आ. 2470.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कांडला पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण/श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ सं. 45/2010) को प्रकाशित करती है जो केन्द्रीय सरकार को 11.10.2017 को प्राप्त हुआ था।

[सं. एल-37011/09/2009-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 11th October, 2017

S.O. 2470.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 45/2010) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Kandla Port Trust and their workmen, received by the Central Government on 11.10.2017.

[No. L-37011/09/2009-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 06th September, 2017

Reference: (CGITA) No. 45/2010

The Chairman,
Kandla Port Trust,
Administrative Office,
Post Box No. 50, Gandhidham,
Kutch (Gujarat) – 370201

...First Party

V/s

The General Secretary,
Transport and Dock Workers Union,
21, Yogesh Building, Plot No. 586,
12-C, Gandhidham,
Kutch(Gujarat) – 370201

...Second Party

For the First Party : Shri K.V. Gadhia

For the Second Party : Shri N.H. Rathod

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-37011/09/2009-IR(B-II) dated 15.02.2010 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the Chairman, Kandla Port Trust, Gandhidham in illegal posting of the Pump Driver (Booster) against the post of Pump Operator in FCI Colony at Gopalpuri is legal and justified? To what relief the workman is entitled for?”

1. The reference dates back to 15.02.2010. Both the parties appeared but did not prefer to submit their submissions. Shri N.H. Rathod, advocate for the second party workman, today on 06.09.2017 did not press the reference.
2. Therefore, the reference is finally disposed of as not pressed.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 अक्टूबर, 2017

का.आ. 2471.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कांडला पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ सं. 06/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11.10.2017 को प्राप्त हुआ था।

[सं. एल-37011/9/2012-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 11th October, 2017

S.O. 2471.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 06/2013) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Kandla Port Trust and their workmen, received by the Central Government on 11.10.2017.

[No. L-37011/9/2012-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 04th September, 2017

Reference: (CGITA) No. 06/2013

The Secretary,
Kandla Port Trust,
Administrative Office,
Post Box No. 50, Gandhidham,
Kutch (Gujarat)

...First Party

V/s

The General Secretary,
Transport and Dock Workers Union,
21, Yogesh Building, Plot No. 586,
12-C, Gandhidham,
Kutch(Gujarat) – 370201

...Second Party

For the First Party : Shri K.V. Gadhia

For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-37011/9/2012-IR(B-II) dated 31.01.2013 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the Kandla Port Trust in not booking piece rates gangs with full settled manning strength against bagged cargo brought at wharf is justified? What relief the workmen are entitled to?”

1. The reference dates back to 31.01.2013. Both the parties appeared but did not prefer to submit their respective statement of claim or written statement.

2. On 04.09.2017, the advocate for the second party union did not press the reference.
3. Thus the reference is disposed of as not pressed.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 अक्टूबर, 2017

का.आ. 2472.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कांडला पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ सं. 198/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11.10.2017 को प्राप्त हुआ था।

[सं. एल-37011/16/2013-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 11th October, 2017

S.O. 2472.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 198/2013) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Kandla Port Trust and their workmen, received by the Central Government on 11.10.2017.

[No. L-37011/16/2013-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 22nd August, 2017

Reference: (CGITA) No. 198/2013

The Chairman,
Kandla Port Trust,
Administrative Office,
Post Box No. 50, Gandhidham,
Kutch (Gujarat) – 370201

...First Party

V/s

The Vice President,
Kandla Port & Dock SC/ST Employees Union,
S.G. X. 36-37, Ward 2B, Adipur,
Kutch (Gujarat) – 370205

...Second Party

For the First Party : None

For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-37011/16/2013-IR(B-II) dated 20.11.2013 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of Kandla Port Trust in not providing regular appointment to S/Shri Gulabram Doullram and Jeetu Shyam Nariyani instead of daily rated Khalasi as per their qualification and practice in KPT is justified? What relief, S/Shri Gulabram Doullaram and Jeetu Nariyani are entitled to?”

1. The reference dates back to 20.11.2013. Both the parties were served by registered post on 09.02.2016 but neither of the parties appeared and also failed to submit their respective statement of claim and written statement despite giving them number of dates on 10.05.2016, 20.09.2016, 29.11.2016, 10.01.2017, 06.03.2017, 09.05.2017, 06.06.2017 and today on 22.08.2017. However the first party advocate appeared on 10.01.2017 but did not prefer to submit his vakalatpatra. Thus it appears that the second party is not willing to prosecute the case.

2. Thus the reference in the absence of the second party, is finally disposed of with the observation as under: “the action of the management of Kandla Port Trust in not providing regular appointment to S/Shri Gulabram Doullram and Jeetu Shyam Nariyani instead of daily rated Khalasi as per their qualification and practice in KPT is justified.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 अक्टूबर, 2017

का.आ. 2473.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कांडला पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ सं. 120/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11.10.2017 को प्राप्त हुआ था।

[सं. एल-37011/12/2008-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 11th October, 2017

S.O. 2473.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 120/2010) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Kandla Port Trust and their workmen, received by the Central Government on 11.10.2017.

[No. L-37011/12/2008-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 29th August, 2017

Reference: (CGITA) No. 120/2010

The Chairman,
Kandla Port Trust,
Post Box No. 50, Gandhidham,
Kutch (Gujarat)

...First Party

V/s

The General Secretary,
Transport and Dock Workers Union,
Kandla, 21, Yogesh Building, Plot No. 586,
12-C, Gandhidham,
Kutch (Gujarat)

...Second Party

For the First Party : Shri K.V. Gadhia

For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-37011/12/2008-IR(B-II) dated 25.03.2009 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the Chairman, Kandla Port Trust, P.O. Box No. 50, Gandhidham, Kutch in not providing higher grade salary to Shri Atulkumar Ranpara, Junior Engineer Civil Gr. I with effect from 01.07.2007 to 09.09.2007 is legal and justified? What relief the concerned workmen is entitled to?”

1. The reference dates back to 25.03.2009. Despite service on the parties by registered post, the second party failed to appear and submit his statement of claim despite giving him dozens of opportunities. However the first party submitted the vakalatpatra Ex. 4 on 22.08.2012. Therefore, a fresh notice Ex. 5 was issued to the second party to appear on 18.07.2016 but to no result despite waiting on 18.07.2016, 06.12.2016, 07.02.2017, 18.04.2017, 16.05.2017 and 13.06.2017 on the request of advocate Shri N.H. Rathod who claimed himself the advocate of the second party but he did not prefer his vakalatpatra. Thus it appears that the second party is not willing to prosecute the case.

2. Thus the reference in the absence of the evidence of the second party, is finally disposed of with the observation as under: “the action of the Chairman, Kandla Port Trust, P.O. Box No. 50, Gandhidham, Kutch in not providing higher grade salary to Shri Atulkumar Ranpara, Junior Engineer Civil Gr. I with effect from 01.07.2007 to 09.09.2007 is legal and justified.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 अक्टूबर, 2017

का.आ. 2474.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ सं. 1443/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11.10.2017 को प्राप्त हुआ था।

[सं. एल-12012/52/2003-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 11th October, 2017

S.O. 2474.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1443/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Bank of India and their workmen, received by the Central Government on 11.10.2017.

[No. L-12012/52/2003-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD**

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 04th September, 2017

Reference: (CGITA) No. 1443/2004

The Branch Manager,
Bank of India,
Shahibaug Branch,
Ahmedabad (Gujarat)

...First Party

V/s

Shri Bhoilal D. Solanki,
1/9, Municipal Health Quarters,
Girdharnagar,
Ahmedabad (Gujarat) – 380016

...Second Party

For the First Party : Kum. Meenaben Shah

For the Second Party : Shri N.H. Rathod

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/52/2003-IR(B-II) dated 29.06.2004 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of Bank of India in terminating/discontinuing the service of Shri Solanki Bhogilal Dalpatbhai w.e.f. 18.02.2002 without following the provisions of Section 25 is legal and justified? If not, what relief the concerned workman entitled to and from which date?”

1. The reference dates back to 29.06.2004. The second party workman Solanki Bhogilal Dalpatbhai submitted the statement of claim Ex. 3 on 26.07.2004 alleging that he had been working as Budlee Sepoy since 21.11.1992 in the first party Bank of India, Shahibaug Branch, Ahmedabad where there were neither complaint against him regarding his conduct nor any memo or notice was issued to him and also no inquiry was also conducted against him into his, if any, misconduct. But his services were orally terminated on 18.02.2002 without issuing any notice or holding any departmental inquiry against him. Thus the termination of his service was in violation of the principle of natural justice and also against the provisions of Industrial Disputes Act. It has also been alleged that he served the Bank of India for 2063 days from his appointment on 21.11.1992 till the date of termination of his service on 18.02.2002. He has also alleged that he served for more than 240 days in the preceding 12 months from the date of termination. He has also alleged that he was appointed on a regular post/vacancy. Thus he has prayed that the oral order of termination dated 18.02.2002 be declared illegal and he be reinstated with all service benefits of a regular employee.
2. The opposite party Bank of India submitted the written statement Ex. 7 on 03.12.2008 denying the basic allegations of the statement of claim and submitted that the second party workman Solanki Bhogilal Dalpatbhai was engaged as casual labour for a temporary period and for temporary increase in work of casual labour in exigencies of service for fraction of a day in the morning hour. As per the Bank's guidelines, branch manager was not empowered to appoint any service either as Badlee or otherwise including Badlee Sepoy. He was neither appointed as Badlee Sepoy nor was any appointment letter issued to him. There was no employer-employee relationship between Bank and the workman. As the engagement was not done in accordance with the recruitment terms, therefore, the demand of reinstatement in service does not arise as per the decision of the Supreme Court of India in Secretary of State of Karnataka V/s Uma Devi and others 2006(2)CLR261. The workman was engaged as casual labour on exigency basis. He never served for 2063 days during the period of engagement from 21.11.1992 to the date of termination of his service on 18.02.2002 nor did he serve for more than 240 days in the preceding 12 months. Therefore, the allegations of the workman alleged to be engaged as Badlee Sepoy are misconceived, baseless and deserved to be rejected.
3. On the basis of the pleadings of both the parties, following issues arise:
 - i. Whether the action of the management of Bank of India in terminating/discontinuing the service of Shri Solanki Bhogilal Dalpatbhai w.e.f. 18.02.2002 without following the provisions of Section 25 is legal and justified?
 - ii. If not, what relief the concerned workman entitled to and from which date?
4. **Issue No. (i) :** The burden to prove this issue was lying on the workman who in the support of his allegations, submitted his affidavit Ex. 11 wherein he stated on oath that he was serving as Badlee Sepoy in the Shahibaug Branch of the Bank of India since 21.11.1992 and was doing work of taking out ledgers from the cupboard and put them in case cabins daily in the morning and also put them at its original place in the evening, putting paper rolls, water punching, stamp pads, staplers and pins in the case cabin daily in the morning, to pass on customer's cheques received for withdraw of money to the case cabins, to sort out the transfer cheques and clearing cheques after stamping, to stamp the clearing and sorting as well as sort the transfer cheques and vouchers after 03:00 PM, to go for returning the counter-returned cheques to any bank in Ahmedabad and reimburse the rickshaw charges to do the work given by the superiors, to get the papers photocopies given by the officers and to bring the heavy cash box in the branch in the

morning and return it back at its original place in the evening. He has also stated that his appointment was made on a regular post in a regular vacancy and completed 240 days in the preceding 12 months from the date of termination. He was paid the wages by way of vouchers. He served the bank for more than 9 years in the aforesaid manner. Thus her oral termination of service is victimization, illegal, arbitrary and against the provisions of the Industrial Disputes Act. In his cross-examination, he has not been asked to reply any question which may refute or rebut the statement of the workman given by him in his examination in chief. Though he has failed to submit the copies of the bank's record which may establish that he would have served the bank for 2063 days in 9 years and 240 days in the preceding 12 months from the date of termination. But it is noteworthy the workman moved an application Ex. 12 for asking the bank to provide the copies of the muster roll for the period from 1992 to 2002 and pay vouchers of the aforesaid period.

5. To rebut the oral evidence of the workman, the first party did not prefer to lead any oral or documentary evidence in support of the written statement.

6. The second party submitted the written argument Ex. 18 making the following arguments which are as under:

- i. It is most respectfully states that, the second party had continuously worked with the bank for almost 10 years. The said contention of the second party had admitted by the first party in written statement particular in Para-5 and 9. Thereafter, considering entire written statement of the first party, it is only contended that, the second party was not appointed as per norms of recruitment rules. It is not controverted by the first party that, the second party had not worked for almost 10 years, meaning thereby, the second party had continuously worked for 10 years with the bank.
- ii. It is stated that, while dealing with the principal and main contention of the first party in entire written statement that, the second party was not appointed as per norms of recruitment or not duly recruited employee. With the said contention of the bank, the Hon'ble Apex Court have been pleased to examined the identical issue in reported decision in case of Ajaypal Singh Versus Haryana Warehousing Corporation, reported in (2015) 6 SSC – 321. In the said case, the Hon'ble Apex Court have been examined the identical case and contention of the management in relevant Para – 19 of the judgement. In another case of Anoop Sharma Versus Executive Engineer, Public Health Division No. 1, Panipat (Haryana) reported in 2010 (2) CLR – (SC). In the said case also, the similar aspect has been examined by the Hon'ble Apex Court. It is states that, the very same aspect has been examined by the Hon'ble Apex Court in case of Devinder Singh Versus Municipal Counsel, Sanaur, reported in 2011 AIR SCW – 3455.

It is states that, in the above mentioned both the cases, which was detailed examined by the Hon'ble Apex Court, the only contention raised by the Bank Authority that, the appointment of the second party was not as per the norms of recruitment rules is not applicable in case of illegal terminated which is violated Section 25 (F) of the I.D. Act, 1947.

- iii. It is further state that, the bank has not produced any single documentary evidences before this Hon'ble Tribunal, not only that but the bank had not examined any witness or oral evidence before this Hon'ble Tribunal. On the contrary, the second party had produced an application of production of documentary evidences below Ex. 8 supported by an affidavit, which was also not complied by the bank. It is undisputed fact that, the best evidences were in the possession of the bank authorities, which were demanded by the second party but undisputedly it is not produced before this Hon'ble Tribunal, therefore, it is a fit case to draw adverse inference against the first party bank by not producing relevant documents before this Hon'ble Tribunal. The said aspect is examined by the Hon'ble Apex Court in cases of R.M. Yellati Versus Assistant Executive Engineer, reported in (2006) 1 SSC – 106, the relevant observation made by the Hon'ble Apex Court is quoted as under:

“Analyzing the above decisions of this court, it is clear that the provisions of the Evidence Act in terms do not apply to the proceeding under Section 10 of the Industrial Disputes Act. However, applying general principles and on reading the afore-stated judgements, we find that this court has repeatedly taken the view that the burden of proof is on the claimant to show that he had worked for 240 days in a given year. This burden is discharged only upon the workman stepping in the witness box. This burden is discharged upon the workman adducing cogent evidences, both oral and documentary. In cases of termination of service of daily waged earner, there will be no letter of appointment or termination. There will also be no receipt or proof of payment. Thus in most cases, the workman (claimant) can only call upon the employer to produce before the court the nominal muster roll for the given period, the letter of appointment or termination, if any, the wage register, the attendance register etc. Drawing of adverse inference ultimately would depend thereafter on facts of each case.”

It is stated that, the very aspect has also been examined by the Hon'ble Apex Court in case of Director, Fisheries Terminal Division Versus Bhukhubhai Meghajibhai Chavda, reported in 2010 AIR SCW – 542. In the said decision the relevant observations made in Para– 15.

Further, the very aspect has been examined by the Hon'ble Apex Court in reported case of Gauri Shanker Versus State of Rajasthan, reported in (2015) 12 SCC – 754, wherein, the relevant observations have been made in Para – 20 of the judgement, which is quoted as under:

“It is not in dispute that the workman was employed with the respondent – Department in the year 1987 and on the basis of material evidence adduced by both the parties and in the absence of the non-production of muster rolls on the ground that they are not available, which contention of the respondent – Department is rightly not accepted by the Labour Court and it has recorded the finding of the fact holding that the workman has worked from 01.01.1987 to 01.04.1992. The labour court has drawn adverse inference with regard to non-production of muster roll maintained by them, in this regard, it would be useful to refer to the judgement of this court in the case of Gopal Krishanji Ketkar V/s Mohammad Haji Latif and others (6) wherein it was held thus:

“5..... Even if the burden of prove does not lie on a party, the court may draw an adverse inference if he withholds important documents in his possession which can throw light on the facts at issue. It is noted in our opinion, a sound practice for those desiring to rely on a certain state of facts to withhold from the court, the best evidence which is in their possession which could throw light upon the issues in controversy and to rely upon the abstract doctrine of onus of proof. In Murugesam Pillai V. V/s Gnana Sambandha Pandara Sannadhi, lord show observed as follow:

“A practice has grown up in Indian procedure of those in possession of important documents or information lying by, trusting to the abstract doctrine of the onus of proof, and failing, accordingly, to furnish to, the, Courts the best material for its decision. With regard to third parties, this may be right enough, they have no responsibility for the conduct of the suit but with regard to the parties to the suit it is, in their Lordship's opinion and inversion of sound practice for those desiring to rely upon a certain state of facts to withhold from the Court the written evidence in their possession which would throw light upon the proposition.”

This passage was cited with approval by this Court in a recent decision – Biltu Ram and others V/s Jainandan Prasad and others. In that case, reliance was placed on behalf of the defendants upon the following passage from the decision of the Judicial Committee in Mt. Bilas Kunwar V/s Desraj Ranjit Singh:-

“But it is open to a litigant to refrain from producing any documents that he considers irrelevant; if the other litigant is dissatisfied it is for him to apply for an affidavit of documents and he can obtain inspection and production of all that appears to him in such affidavit to be relevant and proper. If he fails so to do, neither he nor the Court at his suggestion is entitled to draw any inference as to the contents of any such documents.”

Further, the very aspect has been examined by the Hon'ble Gujarat High Court in reported case of Patel Salt and Marine Chemicals Pvt. Ltd., V/s Manguben Premabhai Waghela and Anr. Reported in 2016(3)CLR-375.

It is stated that, considering the above mentioned judgements of the Hon'ble Apex Court, it is crystal clear that, the first party bank had not produced any documentary evidences in spite of demand has been made by the second party by way of filing an application for production of documentary evidences, the second party had stated on oath that, he had completed 240 days in providing year of termination, which is not controverted/rebutted by the other side bank by any type of evidences, and therefore, as per the settled law, the second party had discharged his burden for proving 240 days continuous service on oath, and the bank had not produced or controverted such aspect, therefore, adverse inference is required to be drawn against the first party bank by this Hon'ble Tribunal in the interest of justice.

- iv. It is further stated that, it is a clear case of violation of mandatory Section 25 (F) of the Industrial Disputes Act, 1947. Admittedly, the bank had not followed the due procedure contemplated under the Industrial Disputes Act, 1947. Therefore, it is a case of violation of mandatory Section 25 (F) of the I.D. Act, and therefore, the action of oral termination of the management is considered to be ab-initio void and the second party is entitle for relief of reinstatement with continuity of service along with full back wages of interim period. When, the violation of Section 25 (F) of the I.D. Act, 1947 is established the relief of reinstatement with continuity of service along with back wages is entitle by the second party. The said aspect has been examined by the Hon'ble Apex Court in various cases.

In case of Jasmer Singh V/s State of Haryana and Another reported in (2015)4SSC-458.

In case of Ramesh Kumar V/s State of Haryana reported in 2010(1) SCALE-432.

In case of Raj Kumar Dixit V/s Vijay Kumar Gauri Shanker, Kanpur Nagar reported in (2015)9SSC-345.

In case of State of U.P. V/s Charan Singh, reported in 2015Lab.I.C.-2347(SC).

- v. It is also stated that, considering the above mentioned settled law, the second party is entitled for reinstatement with continuity of service along with full back wages of interim period.

Because of

- The first party bank had not produced any single evidence before this Hon'ble Tribunal though the best evidence is in their possession, therefore, adverse inference drawn against the bank.
 - The first party bank had raised only contention in written statement that, the second party was not appointed as per recruitment rules, in the said contention the Hon'ble Apex Court have been pleased to examined and observed that, in case of reinstatement or violation of Section 25 (F) of I.D. Act, 1947 such contention of management is negative.
 - The second party had established his case by way of filing an affidavit on oath, wherein, he was categorically stated that, he had worked for 240 days in preceding year of termination, which was cross examined by the bank but not contraverted it.
 - The first party bank has not leaded any oral evidence against the affidavit of the second party and therefore, the evidence of the second party is remained proved 240 days continuous service.
 - The bank had absorbed/reinstated the two co-employees in the employment though the case of the second party was not considered due to overage. The bank management can made relaxation in case of the second party.
- vi. Therefore, the second party is humble praying that, this Hon'ble Tribunal may be please to grant the relief of reinstatement with continuity of service along with full back wages of interim period in the interest of justice.

7. The first party filed the written arguments Ex. 19 submitting that the second party workman challenged his termination from service on the ground of violative of Section 25 of the Industrial Disputes Act but these provisions does not apply. But this argument has no force because the second party workman by way of his oral evidence, has proved that he completed 240 working days during the preceding 12 months from the date of his termination and also served for 2063 days from the date of his joining dated 21.11.1992 to the date of termination dated 18.02.2002. The workman has also moved an application Ex. 12 for production of documents to be filed by the first party and the first party objected to file the reply but no reply was filed and the first party did not prefer to submit the documents as demanded by the second party workman. It is also noteworthy that the second party has also not examined any witness to rebut the oral evidence of the second party workman regarding that the second party has completed 240 working days during the preceding 12 months from the date of his termination and also served for 2063 days from the date of his joining dated 21.11.1992 to the date of termination dated 18.02.2002. Thus the oral evidence of the second party workman in this regard is unrebutted; therefore, this tribunal has no option but to believe the oral evidence of the workman.

8. The first party advocate referred the judgements of Gujarat High Court in Saurashtra Shramik Sangh V/s Amreli Municipality, 2017 (I) CLR 132, Prantij Municipal Borough V/s Chauhan Prabhudas Shankarlal 2010 (2) CLR 759, R.N. Chauhan V/s Morvi Nagar Palica 2011 Volume 4 LLN 205, Rain Forest Officer V/s Vitthalbhai Babubhai 2016 Volume 3 CLR 533, Deputy Executive Engineer V/s Kishorebhai D. Joshi 2014 Volume 3 JLR 2409, Indian Oil Corporation V/s Vadodara Kamdar Union 2010 Volume 124 FLR 727 which deals with the entitlement of reinstatement, continuity, back wages and regularisation which are not applicable because the second party workman has proved by way of his oral evidence that he was a workman within the definition of Section 2 (s) of the Industrial Disputes Act as he has completed 240 working days during the preceding 12 months from the date of his termination and also served for 2063 days from the date of his joining dated 21.11.1992 to the date of termination dated 18.02.2002 and first party bank did not prefer to rebut the oral evidence of the workman even by way of examining any bank official.

9. He has also referred the Apex Court judgement in Nandkumar V/s State of Bihar 2014 (2) SC C (L&S) 171 wherein it has been held that the appellants daily wagers were never appointed through a proper procedure and hence, are not appointees in the strict sense of the term "appointment". They do not hold a post. The scheme of alternative appointment framed for regular employees of abolished organisation cannot, therefore, confer a similar entitlement on the daily wagers of abolished organisation to such alternative employment. Appointment on daily wage basis is not an appointment to a post according to the rules. Usually, the projects in which the daily wagers were engaged, having

come to an end, their appointment is necessarily terminated for want of work. Therefore, the status and rights of a daily of a government concern are not equivalent to that of a government servant and his claim to permanency has to be adjudged differently. Their claim to regularisation/absorption is not a matter of course. Besides, the consequences of temporary appointment were within their knowledge. Thus, they cannot have a right to invoke the theory of legitimate expectation for being confirmed in the post.

10. He has also referred the Apex Court judgement in M.P. Housing Board V/s Manoj Shrivastav 2006 SC C (L&S) 422 wherein it has been held that the respondent was appointed on daily wages as a Sub-Engineer (Civil) on the premise that his services might be terminated, he filed a writ petition whereupon the High Court directed the appellant Board to consider his case in the light of the purported circulars issued by the State Government for scrutiny of daily-rated employees. Upon the said direction, a Scrutiny Committee was appointed which found that there was no vacancy nor there existed any sanctioned post.

The respondent thereafter filed an application before the Labour Court purported to be in terms of Section 31 (3) read with Section 64-A of the Madhya Pradesh Industrial Relations Act, 1960 ("the 1960 Act") praying that he be classified in the permanent category on the ground that he had satisfactorily worked for more than 6 months and, thus, became eligible therefore, as provided under clause 2 (vi) of the Standard Standing Orders. The Labour Court allowed the application holding that the respondent was entitled to be categorised in the permanent category on the post of Sub-Engineer (Civil). It was further held that the respondent was entitled to claim the pay scale of the permanent category from the date of submitting the application before the Labour Court. Supreme Court reversed the orders in under challenge.

11. The present case is distinguishable from the aforesaid judgement because the first party has not come with the clean hands because the first party withheld the documents demanded by the workman, the bank has not been abolished as said in Nandkumar V/s State of Bihar 2014 (2) SC C (L&S) 171 and second, the workman is not a Sub-Engineer, the recruitment of which requires a tedious process of recruitment by Public Service Commission, third, the bank has not explained by way of evidence as to why the workman was permitted to continue from 21.11.1992 to 18.02.2002 and why he was removed without paying notice pay or retrenchment compensation as he served for 240 days during preceding 12 months from the date of oral termination.

12. Thus this is a case where the first party bank has deliberately evaded to contest the second party workman's claim, thus on the ground of the aforesaid reasons, the issue is decided in negative and against the first party bank with the observation as under: "the action of the management of Bank of India in terminating/discontinuing the service of Shri Solanki Bhogilal Dalpatbhai w.e.f. 18.02.2002 without following the provisions of Section 25 is illegal and unjustified".

13. **Issue No. (ii) :** The second party workman has not been examined by the bank on the point as to whether he gained any other employment after his termination; therefore, the second party workman shall be entitled to be reinstated within 60 days from the date of the publication of this award with 10% back wages.

14. The award is passed accordingly.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 अक्टूबर, 2017

का.आ. 2475.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ सं. 651/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11.10.2017 को प्राप्त हुआ था।

[सं. एल-12012/107/1997-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 11th October, 2017

S.O. 2475.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 651/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Bank of India and their workmen, received by the Central Government on 11.10.2017.

[No. L-12012/107/1997-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD****Present :**

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 04th September, 2017

Reference: (CGITA) No. 651/2004

The Manager,
Bank of India,
Ellora Park Branch, Subhanpura,
Baroda (Gujarat)

...First Party

V/s

Shri Sailesh Kantibhai Wanker,
Tharsali, Wankerwas,
Behind Gujarati School,
Baroda (Gujarat)

...Second Party

For the First Party : Shri D.C. Gandhi Associates

For the Second Party : Shri A.A. Trivedi

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/107/97-IR(B-II) dated 26/27.11.1997 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of Bank of India in terminating the services of Shri Sailesh Kantibhai Wanker is legal and justified? If not, to what relief the said workman is entitled?”

1. The reference dates back to 26/27.11.2004. The second party workman vide his statement of claim Ex. 3 has alleged that he worked for 2 years from November 1992 to 06.10.1994 as a daily wager workman on a daily wages of Rs. 35 per day by way of vouchers and his services were orally terminated on 06.10.1994 without giving notice or notice pay despite the fact that some of the workman were regularised as permanent employee. Thus he has prayed for reinstatement in service and back wages.
2. The first party Bank of India, Ellora Park, Baroda vide his written statement Ex. 8 denied the averments of the statement of claim that he was a regular employee as a peon of the Bank. The reference is based on false facts. The workman was never employed as regular or permanent employees. He was engaged as a casual employee on temporary basis. He never served the Bank for 240 days in the preceding year of the alleged termination of the services. Thus the reference has no force and liable to be dismissed.
3. On the basis of the pleadings, the following issues arise:
 - i. Whether the action of the management of Bank of India in terminating the services of Shri Sailesh Kantibhai Wanker is legal and justified?
 - ii. If not, to what relief the said workman is entitled?
4. Neither of the parties filed any documentary evidence which may be read in the evidence.
5. **Issue No. (i):** The second party workman in his statement on oath Ex. 10 reiterated the averments made in the statement of claim but the first party bank did not prefer to examine any bank employee as a witness on oath.
6. The bank has made written arguments Ex. 27 which are reproduced as under:
 - “i. The bank had narrated the cases of the bank vide Para 4A to 4C and specifically mentioned the duties performed by the worker concerned and the procedure for the recruitment of permanent employees of the bank. The bank had also stated that, as the worker concerned was not employed as permanent employee,

he had not put continuous service nor he had completed 240 days and therefore, he is not entitled to any of the relief prayed for in the statement of claim or otherwise.

- ii. The bank begs to submit that, vide Ex. 10 the oral deposition of the worker concerned was recorded before the Hon'ble Tribunal in which he had stated that, "he was paid on voucher, as he has claimed to be made permanent, his services were terminated (which was not stated in the statement of claim)". He has also stated that, "one RameshbhaiKhalubhaiChimanbhaiParmar and Ramesh Dolanki are made permanent" but immediately he had admitted that, "all the employees named are senior to him. In the cross examination, he had admitted that he was engaged for temporary work and he was also deputed in the other branches. He had also admitted that he had not completed 240 days in the year 1992. He has also not completed 240 days in the year 1993 but he has completed 240 days in the year 1994. (He has shown willingness to produce the documentary evidence to prove the services of 240 days but during the proceeding, he had not produced that and therefore, it was not proved by the worker concerned.) On the point of gainful employment, he had admitted that w.e.f. 1994; he is working with the Labour Contractor as an electrician and getting Rs. 1000/- per month." It is submitted by the bank that, from the date of termination of the services, the worker concerned was employed in gainful employment and therefore also, he is not entitled to any monetary benefits as he had claimed in the statement of claim or otherwise.
- iii. Vide Ex. 12, the worker concerned had produced some documentary evidence, but from the record also it can be seen that he had failed to prove the services of 240 days but from the voucher it can be established his designation.
- iv. Vide Ex. 13, the pursis filed by the worker concerned to close his evidence.
- v. Vide Ex. 15, the oral evidence of bank was closed.
- vi. To prove the case of the bank, that the worker concerned is not entitled to any of the reliefs, the bank relies upon the following judgements:

- a. Mohanbhai Karmanbhai Sorala and others V/s Bhavnagar Municipal Corporation (Gujarat High Court) reported in 2011 (131) 854.

The Hon'ble Gujarat High Court has specifically held that, "when the appointment not made pursuant to advertisement in newspaper, cannot be said that initial appointment was through a regular known as legal mode", not entitled to be regularised in service. Relevant Para 9 on Page 856, Para 18 on Page 858 and Para 22 on Page 859.

- b. In the case of Union of India and others V/s VArtak Labour Union reported in 2011 (2) LLN Page 330 of Supreme Court.

The Hon'ble Supreme Court had held that, the temporary or casual worker even engaged beyond period of his appointment, he would not be entitled to be in regular service or made permanent. If original appointment was not in terms of process envisaged by relevant rules, the Hon'ble Supreme Court also held that, one appointed with a clear stipulation that such appointment will not confer any right on appointees to seek regularisation or absorption in regular cadre. Relevant Para 13, 18 and 19 on Page 334 and 336 respectively.

- c. In the case of Vice Chancellor, Lucknow University, Lucknow (UP) V/s Akhilesh Kumar Kher and another reported in 2015, LLR, Page 1121.

In the said case, this Hon'ble Supreme Court had held that when casual or temporary workers are aware of the consequences of their such appointment, they cannot invoke the theory of legitimate expectation for the regularisation as their selection was not made by following due process as laid down by the provision of the law. Relevant Para 11 and 13 on Page 1123 and 1124 respectively.

(In this case the Hon'ble SC has directed to pay monetary compensation of Rs. 400000/- as the concerned workman of the case was out of employment for more than 20 years but in the present case, the worker concerned had put services of only 2 years and immediately after his so called discontinuation, he got employed gainfully and therefore, he will not be entitled for any compensation).

7. Though the second party workman has submitted the zerox copies of the vouchers as well as the payment of wages from 30.11.1992 to 06.10.1994 but he did not move any application for production of the original copies of the aforesaid working days and payment of wages by the first party which may vindicates the evidence by way of producing the zerox copies of the vouchers as well as the payment of wages. As the first party bank has denied the facts of working for 240 days in the preceding year, therefore, it was necessary from the part of the second party workman to

prove the said facts. However, as the first party has not fully denied that the workman did not serve the bank for the aforesaid period and as he has admitted in his cross-examination that after his removal from service, he used to earn Rs. 1000/- per month by way of otherwise employment and D.C. Gandhi Associates, Solicitor Firm for the first party bank sent the written arguments to the workman which is received as unserved. It appears that the workman is not traceable and might have sought alternative employment.

8. It is noteworthy that in the absence of the clinching documentary evidence, it cannot be said that the workman served the bank for more than 240 days in the preceding year of the removal of the employment, this issue is decided in affirmative in the favour of the first party bank.

9. **Issue No. (ii) :** On the basis of the aforesaid findings, no relief can be granted.

10. The award is passed accordingly.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 अक्टूबर, 2017

का.आ. 2476.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ सं. 876/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11.10.2017 को प्राप्त हुआ था।

[सं. एल-12012/142/2000-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 11th October, 2017

S.O. 2476.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 876/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Central Bank of India and their workmen, received by the Central Government on 11.10.2017.

[No. L-12012/142/2000-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 05th September, 2017

Reference: (CGITA) No. 876/2004

The Dy. General Manager,
Central Bank of India,
Zonal Office, Lal Darwaja,
Ahmedabad (Gujarat)

...First Party

V/s

Miss Y.S. Vanzara,
170, Shreenathji Nagar – 3,
Bharatnagar,
Bhavnagar (Gujarat)

...Second Party

For the First Party : Shri P.S. Chari

For the Second Party :

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/142/2000-IR(B-II) dated 18/24.01.2001 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of Central Bank of India, Regional Office, Rajkot in discharging Miss Y.S. Vanzara from Bank’s service w.e.f. 31.03.1999 is legal and justified? If not, then to what relief the concerned employee is entitled to?”

1. The reference dates back to 18/24.01.2001. The second party submitted the statement of claim Ex. 5 on 15.06.2001 along with number of documents vide list Ex. 6. The first party submitted the written statement Ex. 34 on 10.09.2012 along with fresh vakalatpatra of his advocate Ex. 35. Since then the second party workman has been absent and has also not been leading his evidence despite the fact that the copy of the written statement was served on the workman on 04.10.2012. Thus it appears that the second party workman has not been leading to prosecute the case.

2. Therefore, the reference is disposed of in the absence of the evidence of the second party workman with the observation as under: “the action of the management of Central Bank of India, Regional Office, Rajkot in discharging Miss Y.S. Vanzara from Bank’s service w.e.f. 31.03.1999 is legal and justified.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 अक्टूबर, 2017

का.आ. 2477.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार देना बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ सं. 700/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11.10.2017 को प्राप्त हुआ था।

[सं. एल-12012/261/1999-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 11th October, 2017

S.O. 2477.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 700/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Dena Bank and their workmen, received by the Central Government on 11.10.2017.

[No. L-12012/261/1999-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD**

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 07th September, 2017

Reference: (CGITA) No. 700/2004

The Regional Manager,
Dena Bank, Regional Office,
Nanpura,
Surat (Gujarat) – 395001

...First Party

V/s

Shri N.B. Chauhan,
Bapa Vas, Behind Laxmi Talkies,
At. Navsari,
Valsad (Gujarat)

...Second Party

For the First Party : Shri J.M. Patel

For the Second Party : Shri Yogen Pandya

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/261/99-IR(B-II) dated 15.02.2000 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of Dena Bank, Regional Office, Surat in terminating the services of Shri Narsinhbhai B. Chauhan w.e.f. 19.10.1995 treating voluntary cessation of employment in terms of Para-17 of bipartite settlement dated 10.04.1989, is legal, proper and justified? If not, to what relief the concerned workman is entitled to and from which date?”

1. The reference dates back to 15.02.2000. The second party submitted the statement of claim Ex. 3 on 04.12.2000 and the first party submitted the written statement Ex. 8 on 29.11.2001 along with the number of documents vide list Ex. 9. Since then the second party has not been leading evidence despite the fact that on 08.01.2011, Shri Yogen Pandya filed a fresh vakalatpatra Ex. 21 on behalf of the second party and sought adjournment. After giving dozens of opportunities, the second party advocate was given last opportunity on 30.03.2017 to lead evidence on 13.07.2017. On 13.07.2017, he moved an application Ex. 22 for giving one more last opportunity and the same was allowed to lead evidence on 07.09.2017. Today on 07.09.2017, Shri Bharat, junior advocate to Shri Yogen Pandya is present but unable to lead his evidence. Thus it appears that the second party is not willing to prosecute the reference.

2. Therefore, the reference in the absence of the evidence of the second party, is disposed of with the observation as under: “the action of the management of Dena Bank, Regional Office, Surat in terminating the services of Shri Narsinhbhai B. Chauhan w.e.f. 19.10.1995 treating voluntary cessation of employment in terms of Para-17 of bipartite settlement dated 10.04.1989, is legal, proper and justified.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 अक्टूबर, 2017

का.आ. 2478.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूनाइटेड बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ सं. 344/2004) को प्रकाशित करती है जो केन्द्रीय सरकार को 11.10.2017 को प्राप्त हुआ था।

[सं. एल-12011/128/2000-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 11th October, 2017

S.O. 2478.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 344/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of United Bank of India and their workmen, received by the Central Government on 11.10.2017.

[No. L-12011/128/2000-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 23rd August, 2017

Reference: (CGITA) No. 344/2004

The Chief Regional Manager,
United Bank of India,
Western Region, 5th Floor, 25,
Sir Pheroze Shah Mehta Road,
Mumbai – 400001

...First Party

V/s

The Joint Secretary,
United Bank of India Sramik Karmachari Samity,
C/o UBI, Manekchawak Branch, Manekchawak,
Ahmedabad (Gujarat) – 380001

...Second Party

For the First Party : Shri K.V. Gadhia

For the Second Party : Shri B.M. Joshi

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12011/128/2000-IR(B-II) dated 29.09.2000 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of Union Bank of India in denying pensionary benefits to Shri B.H. Chaudhary employed as permanent part-time Sweeper by rejecting his option for pension dated 29.09.1994 is legal and justified? If not then to what relief the concerned workman is entitled to?”

1. The reference dates back to 29.09.2000. The second party submitted the statement of claim Ex. 4 on 20.11.2000 along with number of documents and Solicitor Firm K.V. Gadhia Associates submitted the vakalatpatra Ex. 8 on 19.02.2011 but did not prefer to submit the written statement. Since the submission of vakalatpatra Ex. 8 by the first party, the second party union failed to appear in person to lead his evidence. The advocate of the second party stated in the court on 23.08.2017 that he tried to contact his client by writing a letter but he has not responded. It is also noteworthy that on 06.02.2017, a notice was issued to the second party union to appear and lead evidence on 21.03.2017 but on 21.03.2017 and thereafter on 11.05.2017, 07.06.2017 and 23.08.2017, the second party union did not appear. Thus in the light of the statement of the advocate and non-appearance of the second party union on aforesaid dates, indicates that the second party union is not willing to prosecute the case.

2. Thus the reference in the absence of the evidence of the second party, is finally disposed of with the observation as under: “the action of the management of Union Bank of India in denying pensionary benefits to Shri B.H. Chaudhary employed as permanent part-time Sweeper by rejecting his option for pension dated 29.09.1994 is legal and justified.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 अक्टूबर, 2017

का.आ. 2479.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ सं. 262/2004) को प्रकाशित करती है जो केन्द्रीय सरकार को 11.10.2017 को प्राप्त हुआ था।

[सं. एल-12011/138/1999-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 11th October, 2017

S.O. 2479.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 262/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Bank of India and their workmen, received by the Central Government on 11.10.2017.

[No. L-12011/138/1999-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD****Present :**

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 31st August, 2017

Reference: (CGITA) No. 262/2004

The Regional Manager,
Bank of India,
Zonal Office, Bhadra,
Ahmedabad (Gujarat) – 380001

...First Party

V/s

The General Manager,
Bank of India Staff Union,
C/o Bank of India,
Ahmedabad and Gujarat Branches,
Bhadra, Ahmedabad (Gujarat) – 380001

...Second Party

For the First Party : Shri P.S. Chari

For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12011/138/99-IR(B-II) dated 21.01.2000 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of Bank of India in terminating the service of the employee Smt. Urvashi Kiritbhai Dave, Staff Clerk, Ellis bridge Branch, Ahmedabad on the ground of voluntary cessation from service under clause 17 (a) of the Bi-partite Agreement dated 16.08.1989 and also denying here the benefit of pension under Rule 29 of Pension Regulation is legal and justified? If not then to what relief the concerned employee is entitled to and from which date?”

1. The reference dates back to 21.01.2000. The second party submitted the statement of claim Ex. 3 on 14.03.2000 along with the documents vide list Ex. 6. The first party submitted the written statement Ex. 9 on 28.08.2001 along with the documents. The case was fixed for evidence of the second party since then. But the second party has been absent and has not preferred to lead his evidence. Thus it appears that the second party is not willing to prosecute the case.

2. Thus the reference in the absence of the evidence of the second party, is finally disposed of with the observation as under: “the action of the management of Bank of India in terminating the service of the employee Smt. Urvashi Kiritbhai Dave, Staff Clerk, Ellis bridge Branch, Ahmedabad on the ground of voluntary cessation from service under clause 17 (a) of the Bi-partite Agreement dated 16.08.1989 and also denying here the benefit of pension under Rule 29 of Pension Regulation is legal and justified.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 अक्टूबर, 2017

का.आ. 2480.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मै. एन. आर. इन्टरनेशनल लि. एंड पारादीप पोर्ट ट्रस्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ सं. 26/2016) को प्रकाशित करती है जो केन्द्रीय सरकार को 11.10.2017 को प्राप्त हुआ था।

[सं. एल-39025/01/2010-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 11th October, 2017

S.O. 2480.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 26/2016) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the management of M/s. N.R. International Limited & Paradip Port Trust and their workmen, received by the Central Government on 11.10.2017.

[No. L-39025/01/2010-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

Present :

Shri B.C. Rath,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 26/2016

Date of Passing Award – 12th July, 2017

Between:

1. M/s. N.R. International Ltd., Registered office at 3rd Floor, Draupadi Mansion, 11, Brabourne Road, Kolaktta – 700 001, West Bengal.
2. M/s. N.R. International Ltd., represented by the Chairman, Shri Nirmal Modi, Plot No. 1050, N.R. House, in front of Bombay Hotel, College Square, Cuttack – 03.
3. Director, N.R. International Ltd., at N.R. House, Plot No. 52, O.S.H.B. Colony, Jagannath Mandir Road, Madhuban, Paradip – 754 142.
4. Chairman, Administrative Building, Paradip Port Trust, At./Po. Paradip, Dist. Jagatsinghpur

...1st Party-Managements

(And)

Shri Abhimanyu Mahakud,
S/o. Damodar Mahakud, Qrs. No. MA-205,
Madhuban, Paradip – 754 142,
Dist. Jagatsinghpur

...2nd Party-Workman

Appearances :

None ... For the 1st Party-Managements
Shri A. Mahakud ... For himself the 2nd Party-Workman

AWARD

The award is directed against an application under sub-clause (2) and (3) of Section 2-A of the Industrial Dispute Act (herein-after referred to as “the Act”).

2. The case of the applicant as emerging from his pleadings is that being appointed by the Management No. 1 he was posted in the office of the Management No. 3 at Paradip as an Executive (Port Operation) and he joined in the said establishment in the year October, 1994. The applicant was working under the active control and supervision of one Shri U. Venkata Rao, Branch Manager of the Management-Company. He was also allotted a company's quarters bearing No. MA/2005 and provided with an entry pass to the Paradip Port complex area at the instance of his employer. Besides, he was allotted with E.P.F. code number and his monthly wage was being remitted to his Saving Pass Book Account. As his monthly wage was not paid timely he raised a grievance before his authority. He is stated to have incurred an expenditure of Rs. 50,000/- towards certain ancilliary works of the Management-Office in April, 2014. When he asked for early clearance the above expenditure and his other dues including monthly wages the officer of the Management became annoyed with him. According to him he brought his grievances to the notice of labour machinery as a result of which a conciliation proceeding was initiated and the office of the Managements was requested to attend the said conciliation proceeding scheduled to be held on 3.7.2015, 19.8.2015 and 8.10.2015. The Management did not participate in the said proceedings. On the other hand the Management No. 3 refused employment to him 13.6.2015 despite his reporting to the duty. According to him provisions of Section 25-F and 25-G were not complied with while

refusing employment to him. Such employment amounting to retrenchment in violation of provisions of Section 25-F and G is illegal and unjustified. Hence, prayer has been made for his reinstatement with effect from 13.6.2015 with all back wages and all consequential service benefits and also a direction to the Managements to clear the arrear dues of Rs. 50,000/- of the workman. It is alleged by the workman that he was drawn an amount of Rs. 18,600/- towards his monthly wage at the time of his dismissal.

3. Despite notice to the Managements when it failed to make appearance it has been set *ex parte*. The applicant has examined himself as W.W.-1 and filed copy of the experience certificate, copies of the Bank pass book, E.P.F., Electricity duty payment receipt of company's quarter and port entry pass, copies of the representations dated 21.4.2015 and 15.6.2015, copies of the complaints made to the L.E.O. (C) on different dates, copy of the reply of the Director of the Management, copy of the complaint letter made to the Labor machinery and copy of the certificate issued by the labour machinery which are marked as Ext.- 1 to 8 in support of his claim.

4. The oral testimony of the applicant workman is nothing more or less than re-iteration of his pleadings advanced in his application. On a close scrutiny of the papers/documents filed by the applicant it is seen that he was issued with a conduct certificate in Nov., 1996 by the Branch Manager of the Management office at Paradip Port and the same reveals that he was working as Executive (Port Operation) at that time. It has been explained by the workman that he had lost his appointment letter for which he is relying on other documents to establish his employment in the establishment of the Management No. 3. There are also Xerox copies of correspondences between the office of the Management No. 3 and labour machinery, Paradip, from which it is emerging that the applicant who was working in the organization of the Management No. 3 at Paradip. The Management has alleged in its correspondences that the workman had abandoned the service voluntarily. Gate pass of Paradip Port Trust issued in favour of the applicant also reveals that the same was issued at the instance of Management No. 3 and the same was valid from April, 2015 to March, 2016. The statement/entries of savings pass book reveals that certain amounts were transferred to his S.B. Account by the Management from time to time. The above papers filed by the applicant clearly indicate that the applicant was employed with the Management No. 3 for a long period and there is nothing adverse to disbelieve the uncontroverted pleadings and oral evidence of the applicant. The Managements being remained *ex parte* nothing adverse is available before the Tribunal to disbelieve the version of the applicant. The Managements are stated to be operating as Stevedors for loading and unloading materials in the Paradip Port. The applicant workman having worked for more than 240 days in a calendar year preceding to his alleged refusal of employment and he being in employment of the workman from the year 1994 is required to be paid notice pay and compensation as provided under section 25-F of the Act. Refusal of employment to the applicant amounts to retrenchment as defined under section 2(oo) of the Act. The said retrenchment being made without compliance of Section 25-F is apparently illegal and unjustified. The workman having been in service in the establishment of the Management No. 3 for more than 22 years shall be reinstated in the present facts and circumstances of the case in view of his retrenchment being found illegal and unjustified.

5. It is, therefore, directed that the applicant shall be reinstated immediately within one month of this award being notified and he is also entitled to receive 50% of his back wages for the period of his disengagement and consequential service benefits, if any, failing which the applicant is entitled to receive 8% interest on his back wages. The application under section 2-A(2) is disposed of accordingly.

Dictated & Corrected by me.

B. C. RATH, Presiding Officer